UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
50th meeting
held on
Friday, 23 November 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 50th MEETING

Chairman: Ms. ZINDOGA (Zimbabwe)
(Vice-Chairman)

CONTENTS

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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6 December 1990
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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/45/3, A/45/179, A/45/210, A/45/348, A/45/404, A/45/444, A/45/445, A/45/446, A/45/447, A/45/448, A/45/508, A/45/542, A/45/564, A/45/578, A/45/607, A/45/630, A/45/649 and Corr.1 and A/45/649/Add.1, A/45/651, A/45/664, A/45/697, A/45/698, A/45/174, A/45/203, A/45/207, A/45/216, A/45/227, A/45/272, A/45/280, A/45/303, A/45/329, A/45/338, A/45/381, A/45/410, A/45/667, A/45/689, A/45/690, A/45/691, A/45/692, A/45/693; A/C.3/45/1)

1. Mr. NOOR (Afghanistan) said that ensuring complete respect for human rights posed problems everywhere in the world and no country, whether developed or developing, could claim that its record was faultless in that regard. On the other hand, in view of the positive changes in international relations, the politicization of the debate in the United Nations on human rights, which had been a characteristic of the cold war, should finally be replaced by a search for ways to address that question in both a realistic and constructive manner.

2. Although the changes in the political climate had reduced tensions in various regions, that, unfortunately, had not been the case in South-West Asia. The war imposed on Afghanistan had been continuing for more than a decade, claiming thousands of victims, mostly women and children, and causing damage amounting to billions of dollars. Anti-Government extremist groups possessing weapons of mass destruction continued their terrorist attacks against populated areas, killing many civilians.

3. The international community must do everything to end that war because any attempt to do so would promote the protection of human rights in Afghanistan. His Government, for its part, had put forward a number of proposals for a political settlement of the conflict, which included declaring a cease-fire and organizing general, free and fair elections. It was also making every effort, in spite of the war, to respect human rights in the country. In cases involving a conflict between national laws and the numerous international human rights instruments to which his country was a party, those instruments took precedence in Afghanistan. Respect for the human rights and fundamental freedoms of the population was thus guaranteed. In accordance with the provisions of the Constitution concerning political pluralism, political parties could be formed and could not be dissolved without a legal cause.

4. Within the framework of its policy of national reconciliation, the Government of Afghanistan had amnestied thousands of prisoners. It had also given permission to the International Committee of the Red Cross (ICRC) to visit prisons regularly and for the first time had allowed an American-based non-governmental organization dealing with the protection of human rights to visit Afghanistan.

5. His delegation expressed its appreciation to the Special Rapporteur for his personal interest in improving the human rights situation in Afghanistan. He had noted, however, some shortcomings in the report. First of all, with regard to the

(Mr. Noor, Afghanistan)

refugee problem, the report failed to mention instrument III of the Geneva Agreements on the voluntary repatriation of the refugees, the obstacles impeding their return and the obligations of the States Parties in the implementation of that instrument. Those questions had a direct bearing on the current situation of the Afghan refugees, particularly in Pakistan.

6. Further, the danger posed by armed groups based in Pakistan that opposed the return of the refugees was underestimated. The threats against the property and lives of those seeking to return, which were described in paragraph 34 of the report and which the Special Rapporteur merely termed "harassment", were sufficiently serious to prevent defenceless civilians from returning to their homeland.

7. Lastly, the report made no mention of the deterioration of the situation of many women in the refugee camps.

8. The report did not provide sufficient information on the situation of human rights in areas not under Government control, which, as the Special Rapporteur himself had stated on many occasions, was a major concern with regard to human rights in Afghanistan. Unlike the previous report, the current report furthermore made no reference to the presence of foreigners in the armed forces of the opposition movements. In general, in view of the means at his disposal, the Special Rapporteur could have provided in his report a broader survey of the situation as he had seen it firsthand.

9. His Government attached great importance to the problem of mines and had recently established a special commission to co-ordinate all mine-clearance operations in the country. Afghanistan was ready to co-operate with all organizations that could participate in those operations and appealed for technical assistance from governmental and non-governmental organizations that could aid it on a bilateral or multilateral basis and for strictly humanitarian purposes.

10. In conclusion, his delegation expressed its gratitude to the Office of the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan for its tireless efforts in Afghanistan and the refugee camps. He hoped that the Programmes would continue in the future and cover all the areas envisaged by the Co-ordinator.

11. Mr. ROMARE (Sweden) said that the United Nations, in spite of the numerous international human rights instruments that it had drawn up, had often tended to deal with human rights as a secondary issue. Recent developments in Central and Eastern Europe, marked by a return to democracy and freedom, had increased awareness of the importance of respect for those rights and the need to view them in a wider context.

12. Sweden hoped that the growing recognition of human rights as a central issue would lead to a greater readiness on the part of all concerned to join efforts to put an end to human rights violations where they still occurred. It was gratifying to note the world-wide consensus in support of the rights of the child which had

(Mr. Romare, Sweden)

emerged at the World Summit for Children and the solemn commitment made by countries to implement the Plan of Action adopted on that occasion. It was encouraging that 133 States had already become parties to the Convention on the Rights of the Child.

13. Sweden supported the draft international convention on the protection of the rights of all migrant workers and their families and hoped that that instrument would be adopted by consensus at the current session of the General Assembly.

14. The main task of the United Nations, nevertheless, was to improve the implementation of the human rights instruments in force. Although Governments were responsible for the human rights situation in their countries, the international community should make its weight felt in order to convince régimes that did not respect those rights of the need for change and assist well-intentioned Governments in facing internal problems.

15. In his interim report on the human rights situation in Afghanistan, the Special Rapporteur noted that, although the Government of Afghanistan was now fully co-operating with the United Nations, the human rights situation was far from compatible with international standards and remained a matter of concern.

16. The report of the Special Rapporteur on human rights in El Salvador showed that, although conditions had improved since 1989, serious violations of human rights, including summary executions and abductions, were still carried out by the armed forces, death squads and FMLN, and the judicial system was unable to prevent or repress those crimes. It was a year since the murder of six Jesuit priests and their household employees and still no one had been brought to justice. In that context, Sweden strongly supported the efforts of the Secretary-General to find a negotiated settlement to the conflict in El Salvador and considered that the partial agreement regarding respect for human rights which provided for a new scheme for nation-wide verification by the United Nations was an important step in the current negotiations.

17. With regard to the Islamic Republic of Iran, Sweden welcomed the increasing willingness of the Iranian Government to co-operate with the Special Representative and with other United Nations bodies and hoped that such co-operation would continue. However, the human rights situation in that country, as described by the Special Representative in his report, remained far from satisfactory. Executions were clearly still numerous and the process of law appeared to remain deficient in several respects, including the imposition of the death sentence. Other human rights, such as the right to freedom of expression and the right of petition, were being flouted. The Special Representative had also referred to restrictions imposed on associations, and on the press and, in general, to a fear of reprisals if people spoke their minds. The Baha'is were still victims of many forms of discrimination by some authorities.

18. Sweden noted that some situations were under United Nations scrutiny, whereas others, just as urgent, were not. It had many times criticized such lack of objectivity as being damaging to the credibility of the Organization, and hoped

(Mr. Romare, Sweden)

that the situation would be redressed, since the losers were not the Governments of the countries facing United Nations scrutiny but the people of the countries that escaped it.

19. In Myanmar the current régime was making a mockery of the concepts of democracy and human rights and was insensitive to international criticism, refusing to recognize the outcome of the free elections held in May 1990 - a clear and emphatic vote in favour of the opposition. The situation in Myanmar, where the National Assembly had still not been convened, where opposition leaders were still under house arrest and where appalling acts of oppression, torture and other serious human rights abuses persisted, merited serious consideration, and his delegation had introduced a draft resolution on that issue.

20. The growing problem of ethnic violence was affecting several countries. Sweden had already expressed its deep concern over the deteriorating situation in Sri Lanka and, while recognizing the difficulties facing the Sri Lankan Government, called upon it to instruct its forces to respect the rights of civilians.

21. The lack of respect for human rights in China remained a cause for serious concern, despite the lifting of martial law in Beijing and Lhasa and the freeing of some political prisoners. Hundreds of persons were still under arbitrary arrest for alleged crimes in Beijing in the spring of 1989, or even earlier. Sweden was particularly disturbed by reports of torture, detention without trial and other human rights violations in Tibet. It called on the authorities of China to ensure full respect for human rights, including the right to freedom of speech and to religious and cultural freedom, in all areas under their control.

22. The situation in Guatemala had not improved either. Teachers, students, journalists, trade unionists and peasants were being abducted and murdered, human rights defenders were being attacked, and security personnel and political extremists were reported to be engaged in killings, disappearances and other serious human rights violations which had continued to increase during the past year, those responsible rarely being brought to justice. It remained to be seen whether the holding of democratic presidential elections in Guatemala, which was in itself promising, would contribute to an improved human rights situation.

23. Generally speaking, despite notable progress, the situation in Latin America remained serious. In a few countries, political violence persisted and there was a disquieting number of disappearances and extrajudicial executions. The difficult internal problems besetting those nations made it imperative for their Governments to fulfil their commitment to ensure respect for human rights.

24. In Cuba, there had been no serious abuses, but human rights activists were subject to retaliatory action.

25. Sweden had on several occasions expressed its concern about the numerous reports of grave human rights violations in Iraq. Following the invasion of Kuwait by Iraq, which had been universally condemned, the Kuwaiti population had suffered

READEX FICHE

(Mr. Romare, Sweden)

widespread human rights violations at the hands of the Iraqi occupying forces. Thousands of foreign nationals in Iraq and Kuwait at the time of the invasion had been prevented from leaving those two countries, in violation of the fundamental principles of international law. Those nationals must be allowed to leave.

26. The Israeli authorities had reacted with excessive and inexcusable violence to the Palestinian uprising in the occupied territories caused by the frustration of the Palestinian people, and had responded to stone-throwing with live ammunition, killing hundreds of Palestinians and injuring thousands. Recently 22 Palestinians had been killed by the Israeli police at Temple Mount in Jerusalem. It was deplorable that Israel had still not complied with the Security Council resolutions.

27. The Horn of Africa had long been the scene of serious human rights violations, which continued to the present day. The situation in Somalia, the Sudan and Ethiopia was compounded by internal warfare as well as by recurrent drought and famine. Efforts to bring about peace in the region were crucial if a lasting improvement in the human rights situation was to be achieved.

28. Concern about human rights violations should be a central theme for the international community. It was in the interests of the Governments themselves. It was also in the interests of international peace and security.

29. Mrs. ILIC (Yugoslavia) said that Yugoslavia, a country with a large number of migrant workers, was pleased to see that the open-ended Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, established by the General Assembly, had successfully completed its task by preparing and approving a draft convention.

30. The main value of the draft lay in the perspective it took. It was based on principles enshrined in instruments on human rights already adopted by the United Nations and some of the specialized agencies, such as ILO and UNESCO, and those principles were then applied to specific rights relating to the status of migrant workers and members of their families as a vulnerable group. Those rights included access to education, protection of the family, transfer of earnings and participation in the political life of their country of origin. Yugoslavia attached particular importance to provisions made for the protection of the cultural identity of migrant workers and their children. For all those reasons, it wholeheartedly supported the adoption of the draft convention at the current session of the General Assembly and also supported the proposal that the Committee established to supervise the implementation of the convention should be financed out of the regular budget of the United Nations.

31. In view of the growing work-load imposed on the Centre for Human Rights in connection, in particular, with the servicing of treaty bodies, Yugoslavia felt that the resources allocated to the Centre from the regular budget of the United Nations should be increased.

(Mrs. Ilic, Yugoslavia)

32. For the first time since the Second World War, Europe was united in its determination to achieve, by peaceful means, peace, stability, democracy, confidence, co-operation and respect for human rights. The humanitarian dimension of the Conference on Security and Co-operation in Europe had never been so apparent as at the Conference on Human Rights held at Copenhagen in June 1990, whose final document covered a broad range of human rights, including those of national minorities. The States participating in the CSCE summit in Paris had affirmed their position on national minorities and demonstrated the importance they attached to those issues.

33. The Balkan countries also were eager to strengthen their co-operation with each other, especially with regard to questions of human rights and national minorities. When their Ministers for Foreign Affairs had met at Tirana in October 1990, they had declared that a positive attitude towards national minorities was one of the basic factors of good-neighbourliness, mutual confidence, stability, cohesion and democracy in the Balkans.

34. All those new developments were of particular importance for Yugoslavia since large numbers of members of its ethnic minorities lived in neighbouring countries, where the treatment they received varied. In most of the host countries, they enjoyed internationally recognized human rights; unfortunately, in some of the others, their rights were respected only on a selective basis or were simply denied. Yugoslavia did not expect its neighbours to grant to minorities any rights that had not been internationally recognized and granted by Yugoslavia itself to minorities living in its territory. In any case, protection of Yugoslav minorities living abroad was a permanent feature of Yugoslavia's foreign policy.

35. In the United Nations Commission on Human Rights, Yugoslavia had initiated work on a draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. The Commission on Human Rights and the General Assembly should finalize that important instrument and adopt it as soon as possible. She closed her statement by expressing her country's support for the convening of a world conference on human rights to consider the critical questions facing the United Nations in connection with the promotion and protection of human rights.

36. Mr. CHEN Shiqiu (China) said that the concept of human rights had evolved with time and today people talked about not only civil and political rights of individuals but also about collective rights, including economic, social and cultural rights, and about the right of peoples to self-determination and the right to development. At the same time, in view of the diversity of social and political systems, degrees of economic development and historical, religious and cultural backgrounds, it was only natural that the concept of human rights should be interpreted in different ways. People who obstinately saw their own interpretations as universal truth were bound to meet with opposition.

(Mr. Chen Shiqiu, China)

37. In discussing the question of human rights, the United Nations should, first and foremost, establish priorities. The General Assembly had already addressed that question in its resolution 32/130. The spirit of that resolution, from which there had been some deviation in recent years, should be recaptured. Although the situation had changed since 1977, apartheid, racial discrimination, colonialism, foreign domination, occupation, aggression and failure to recognize the right of peoples to self-determination and the denial of the sovereignty of States over their wealth and natural resources were still the main causes of flagrant violations of human rights on a massive scale. The gap between North and South and the existing international economic order were still major obstacles to the full exercise of human rights in developing countries. The most urgent question still related to the right to survival and to improved living conditions, and since the enjoyment of those rights depended on economic factors, priority should be given to the right to development.

38. That having been said, it was still true that other human rights issues also deserved attention. China's concern was simply that a distinction should be made between what was primary and what was secondary. It believed that the world conference on human rights to be convened in 1993 should be guided by that principle.

39. In dealing with human rights, the United Nations should base itself primarily on its Charter, in which it was stipulated that one of the purposes of the Organization was "to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion". The role of the United Nations in the field of human rights was to promote international co-operation. It was not a supranational institution, let alone a human rights court. Exchanges of views should therefore be encouraged, and accusations and attacks avoided in an attempt to refrain from exerting pressure on other countries or interfering in their internal affairs under the pretext of trying to protect human rights, as the representative of Sweden had been doing in his intervention. Rash resolutions on the human rights situation of a particular country should be eschewed since experience had proved that such resolutions often were the least likely to produce positive results and triggered strong resentment on the part of the country concerned and that they caused relations between States to deteriorate, which was obviously not the objective of the Charter of the United Nations.

40. Another problem which needed to be addressed urgently was that of the adverse effects of the East-West confrontation and the "cold war". For a long time, United Nations bodies dealing with human rights issues had been the setting for confrontations between opposing political blocs and ideologies. Some countries had manipulated human rights issues in a play of power politics and as a means of interfering in the internal affairs of other countries and putting political pressure on smaller and weaker States. As a result, the sovereignty and dignity of many developing countries had repeatedly come under attack. Today international relations had changed significantly, and the time had come for the United Nations to break away from certain old practices and political prejudices.

(Mr. Chen Shiqiu, China)

41. The Chinese delegation sincerely hoped that the Third Committee and the United Nations human rights bodies would, in view of the changing international situation, cast off unrealistic practices and strive to ensure the faithful fulfilment of the purposes enshrined in the Charter of the United Nations with regard to the promotion of human rights and fundamental freedoms. It also hoped that the countries Members of the Organization would reach a consensus on that issue and appealed to the Swedish delegation in particular in that regard.

42. Mr. BRUNI-CELLI (Venezuela) said that the reports by the Special Rapporteur on the situation of human rights in Afghanistan and the Special Representatives responsible for studying the situation of human rights in Iran and in El Salvador respectively were all the more valuable as sources of information about recent developments there because of the difficulties posed for the authors by their inherently sensitive subject-matter. His delegation was convinced that the reports which had been presented were objective, rigorous and therefore useful for the defence and promotion of human rights. Venezuela therefore reaffirmed its support for the maintenance of the system of Special Rapporteurs and Special Representatives.

43. Human rights could of course be defended and promoted only in conditions of democracy and peace. The significant progress made in the defence of human rights at the beginning of the 1990s was linked precisely with remarkably positive developments in the attainment of those conditions. Recent events in Central and Eastern Europe and in Latin America clearly demonstrated the moral and political weakness of dictatorships of every kind and also the profound yearning of peoples to exercise their basic rights. The end of the cold war and agreements on disarmament strengthened that atmosphere of optimism. That was no reason, however, for the international community to relax its vigilance, as was demonstrated by the reports on El Salvador, Iran and Afghanistan.

44. Peace was not merely the absence of war: to achieve lasting peace, the social and economic causes of conflicts must be eliminated. The creation of conditions conducive to respect for human rights - or ultimately, in other words, the search for peace - had two dimensions. At the international level, there was a need to engage in co-operation for development, seek negotiated solutions to conflicts and set up effective means of controlling the arms trade. Peace should equally be pursued at the national level. Recourse to violence invariably led to the violation of human rights and halted development. That was clearly illustrated by the civil wars which had afflicted the peoples of Central America for many years and by the similar situations affecting other populations in Latin America, Asia and Africa.

45. Human rights comprised two categories which constituted an indivisible whole, namely, civil and political rights on the one side and economic, social and cultural rights on the other. The two categories were mutually reinforcing and had as their common denominator respect for the dignity of the human person. Hunger and extreme poverty were an affront to that dignity and rendered meaningless the concepts of freedom, right to life and personal integrity. On the other hand, only

(Mr. Bruni-Celli, Venezuela)

when their civil and political rights were respected were citizens able to exercise other rights, such as those to food, housing, work and education.

46. The comments by Mr. Galindo Pohl concerning the situation of human rights in Iran were very interesting. Although he acknowledged that the Iranian Government had been co-operative, the Special Representative noted such urgent problems as the need for reforms to adapt Islamic law to international law, for the commutation of penalties, for the guarantee of due process of law, and for freedom of expression, as well as the question of televised confessions. Mr. Galindo Pohl's statement that the application of the death penalty in Iran continued to exceed the restrictive and exceptional limits authorized by the International Covenant on Civil and Political Rights was a cause of concern.

47. With regard to the situation of human rights in Afghanistan, Mr. Felix Ermacora made certain very important recommendations: to intensify efforts to find a solution to the conflict, to halt the use of weapons against the civilian population, to promote the return of refugees, to apply the standards of humanitarian law, to investigate the whereabouts of disappeared persons and to extend the mandate of the Special Rapporteur. His delegation supported those recommendations.

48. The report by Mr. Ridruejo on the situation of human rights in El Salvador showed continuing violations, such as the summary executions carried out by both parties to the conflict, the activities of the "death squads", the forced abduction of persons, the use of physical and psychological coercion and the practice, even if it was not an institutionalized policy, of cruel, inhuman and degrading treatment. His delegation fully associated itself with Mr. Ridruejo's observation that the end of the armed conflict was an indispensable condition for the elimination of such violations in El Salvador. To that end, the Salvadorians themselves and other democratic peoples and countries in the continent had launched various initiatives. It was most regrettable, therefore, that incidents of violence should have occurred in the country at the very moment when negotiations had been opened. The instigators of that violence, whoever they might be, were acting in defiance of the wishes of the Salvadorian people, the most immediate victims of the conflict. There could be no justification for suspending the negotiation process yet again. The current situation in El Salvador was the same as that which had prevailed in 1989 at the time when the Third Committee was analysing the Special Representative's report on the situation of human rights there. The outcome of such a situation was well known: prolongation of war, death, destruction and suffering among the population. While the negotiations had resumed under the auspices of the Secretary-General of the United Nations, resulting in the signing of a declaration submitted by the Secretary-General himself, in the preparation of the agenda and timetable for the negotiations and in the adoption of an agreement on human rights, there had also been a resurgence of the fighting in El Salvador. His delegation believed that any endeavour to gain a strengthened position in the negotiations by engaging in military action when the two sides were well aware of their respective fire-power, was a mistake which could have serious social, moral and political consequences.

(Mr. Bruni-Celli, Venezuela)

49. On behalf of the democratic Government and people of Venezuela, he expressed the hope that the United Nations would continue to provide itself with the resources it needed to fulfil its noble task of ensuring respect for, and the defence and protection of, the fundamental rights of the human person.

The meeting rose at 5.35 p.m.

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
51st meeting
held on
Friday, 23 November 1990
at 3 p.m.
New York

SUMMARY RECORD OF THE 51st MEETING

Chairman: Ms. COOMBS (New Zealand)

CONTENTS

AGENDA ITEM 93: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued)

AGENDA ITEM 100: CRIME PREVENTION AND CRIMINAL JUSTICE (continued)

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

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3 December 1990

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The meeting was called to order at 3.40 p.m.

AGENDA ITEM 93: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued) (A/C.3/45/L.57 and L.66)

Draft resolution A/C.3/45/L.57

1. Mr. ERDENECHULUUN (Mongolia), introducing draft resolution A/C.3/45/L.57 on behalf of the sponsors, who had been joined by Mali and Nigeria, said that solving global environmental problems required an increasing role by the United Nations and concerted efforts by the international community. The sponsors believed that the draft resolution would serve as an important contribution to the United Nations Conference on Environment and Development. In paragraph 3, the words "through the Economic and Social Council" should be inserted after the words "with a view to submitting". He hoped that the draft resolution would gain the widest possible support in the Committee.

Draft resolution A/C.3/45/L.66

2. Mr. GOMPERTZ (France), introducing draft resolution A/C.3/45/L.66 on behalf of the sponsors, said that it was designed to assist Governments and all the organizations concerned in defining their conduct in the delicate area of computer storage of personal data, and to provide proper protection for the private lives and rights of individuals from possible abuse. The draft resolution was not binding but was intended simply to provide guidelines in a complex area. Concerning principle 5 on non-discrimination, which prohibited the compilation of data likely to give rise to unlawful or arbitrary discrimination, he pointed out that that principle did not prevent a political party or a trade union from counting its members or a press organ from keeping a record of its readers. In any case, principle 6 provided for certain limited exceptions. He hoped that the draft resolution would be adopted by consensus.

AGENDA ITEM 100: CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/CONF.144/28, chap. I, sect. A; A/C.3/45/L.23, L.29/Rev.1, L.30, L.33, L.36, L.37 and Add.1, L.46)

Draft resolutions 1-13 contained in the report of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.144/28, chap. I, sect. A)

Draft resolution 1

3. Ms. OJAMAA (United States of America) said that in a spirit of compromise, her delegation had decided to withdraw its amendment to draft resolution 1 as contained in paragraph 1 of document A/C.3/45/L.46, on the understanding that the whole question of the functioning and programme of work of the United Nations in the area of crime prevention and criminal justice would be considered at the ministerial meeting to be held in 1991, which would consider the intergovernmental working group's report prepared pursuant to draft resolution 2.

4. The CHAIRMAN said that that understanding would be reflected in the Committee's report to the plenary.

5. Draft resolution 1 was adopted without a vote.

Draft resolution 2

6. Draft resolution 2 was adopted without a vote.

Draft resolution 3

7. Draft resolution 3 was adopted without a vote.

Draft resolution 4

8. Draft resolution 4 was adopted without a vote.

Draft resolution 5

9. The CHAIRMAN said that the United States delegation had proposed an amendment to paragraph 5 of the annex, whereby the words "and, where the State concerned is a party" would be inserted after the words "Universal Declaration of Human Rights".

10. Draft resolution 5, as orally amended, was adopted without a vote.

Draft resolution 6

11. Draft resolution 6 was adopted without a vote.

Draft resolution 7

12. The CHAIRMAN said that the United States delegation had proposed that in paragraph 13 of the annex, the words "such as social security rights and benefits, freedom of association and, upon reaching the minimum age established by law, the right to marry" should be deleted.

13. Draft resolution 7, as orally amended, was adopted without a vote.

Draft resolution 8

14. Draft resolution 8 was adopted without a vote.

Draft resolution 9

15. Draft resolution 9 was adopted without a vote.

Draft resolution 10

16. Ms. OJAMAA (United States of America) said that in a spirit of compromise, her

(Ms. Ojamaa, United States)

delegation had decided to withdraw its amendment to draft resolution 10 as contained in paragraph 4 of document A/C.3/45/L.46.

17. Draft resolution 10 was adopted without a vote.

18. Mr. KHODAKOV (Union of Soviet Socialist Republics) said that his delegation had joined in the consensus on draft resolution 10 in order to permit its adoption. However, it had reservations concerning article 3 and reserved the right to make a detailed statement when the resolution came before the plenary.

Draft resolution 11

19. Draft resolution 11 was adopted without a vote.

Draft resolution 12

20. Draft resolution 12 was adopted without a vote.

Draft resolution 13

21. Draft resolution 13 was adopted without a vote.

22. Ms. OJAMAA (United States of America), explaining her delegation's position on the draft resolutions just adopted, said that it would have preferred the deletion of paragraphs 22, 23 and 24 of the annex to draft resolution 1 because they made sweeping statements about the future role, structure and resources of the Crime Prevention and Criminal Justice branch and the Committee on Crime Prevention and Control. In a spirit of compromise, however, her Government had decided to accept those paragraphs on the understanding that they would not prejudge the conclusions to be reached by the intergovernmental working group to be established under draft resolution 2.

23. Her delegation had been pleased to join in the consensus on draft resolution 2 and hoped to participate in the work of the proposed intergovernmental working group. That work was of vital importance and her country intended to make an active contribution to it. The United States had also joined in the consensus on draft resolution 4, but wished to point out with respect to paragraph 3.7 of the annex that appropriate machinery should be available for submitting complaints and for redress of grievances in general, because the phrase "internationally recognized human rights" might be interpreted differently by different Member States. Turning to draft resolution 7, her delegation stressed with regard to paragraph 2 of the annex that the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice were only recommendatory in nature.

24. Although her delegation had joined in the consensus on draft resolution 8, it had reservations about the wisdom of drafting another international instrument, as was apparently contemplated under paragraph 5. The seemingly endless proliferation

(Ms. Ojamaa, United States)

of new instruments should at least slow down appreciably or cease for a period of time. The United Nations should concentrate on implementing existing standards rather than formulating new ones. If another drafting exercise was undertaken pursuant to the draft resolution, Governments should be able to participate directly in the drafting process and submit written comments at the invitation of the Secretary-General.

25. Lastly, with regard to draft resolutions 10 and 11, her Government strongly supported the negotiation and effective implementation of extradition and mutual legal assistance treaties in general. Although it might take a different approach from that followed by the model treaties on certain issues, the United States viewed the adoption of those treaties as very encouraging support by the United Nations for significantly increasing the number of extradition and mutual legal assistance treaties in force throughout the world.

26. Ms. MEHTA (India) said that although her delegation had joined in the consensus on draft resolutions 10 to 13, it wished to reserve its position on the implementation of those draft resolutions in conformity with its national legislation.

Draft resolution A/C.3/45/L.23

27. Mr. FONTAINE ORTIZ (Cuba) expressed his country's appreciation to the delegation of Italy for submitting the draft resolution under consideration.

28. Ms. OJAMAA (United States of America) said that since her country had not participated in the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, it would refrain from taking part in the Committee's action on draft resolution A/C.3/45/L.23.

29. Draft resolution A/C.3/45/L.23 was adopted without a vote.

Draft resolution A/C.3/45/L.29/Rev.1

30. The CHAIRMAN drew the Committee's attention to the statements on the programme budget implications of draft resolution A/C.3/45/L.29/Rev.1 contained in documents A/C.3/45/L.37 and Add.1.

31. Mr. FONTAINE ORTIZ (Cuba), introducing draft resolution A/C.3/45/L.29/Rev.1 on behalf of Italy and his own delegation, expressed appreciation to the delegations that had taken part in the informal consultations for their spirit of co-operation and flexibility. He briefly reviewed the contents of the draft resolution and explained the amendments made to the text. The question of the administrative, programme and financial implications had been a constant concern of the delegations that had taken part in the informal consultations. It was the understanding of those delegations and the Secretariat that the amendments to draft resolution A/C.3/45/L.29, particularly to paragraphs 3, 10, 11 and 12, which appeared as paragraphs 3, 11, 12 and 13 in the revised text, did not affect the administrative,

(Mr. Fontaine Ortiz, Cuba)

programme and budget implications envisaged by the Secretariat in documents A/C.3/45/L.36 and L.37. Furthermore, those amendments did not restrict action to be taken by the Secretary-General pursuant to the resolutions and recommendations of the Eighth Congress, as indicated in document A/C.3/45/L.37/Add.1. That understanding also applied to draft resolution 1 of the Eighth Congress.

32. Draft resolution A/C.3/45/L.29/Rev.1 was adopted without a vote.

33. Ms. OJAMAA (United States of America) said that her delegation had been able to join in the consensus on draft resolution A/C.3/45/L.29/Rev.1 and appreciated the spirit of compromise on the part of the sponsors which had made its adoption possible. In addition to the 13 draft resolutions just adopted by the Committee, the Eighth Congress had adopted more than 30 other resolutions and instruments, covering a wide range of subjects and varying widely in importance and quality. Since they were not before the General Assembly for consideration, her delegation supported the wording of paragraph 3 of draft resolution A/C.3/45/L.29/Rev.1 and endorsed the priority given to the economic, social, legal, cultural and political circumstances of each country in terms of the weight to be given to instruments and resolutions adopted by United Nations crime congresses in general.

34. Her Government nevertheless had reservations with regard to the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property. The United States generally found unacceptable any treaty for enforcing the export control laws of another country. There was a need to improve the overall preparatory and drafting process for instruments submitted to United Nations crime congresses for consideration. That topic should be addressed by the future intergovernmental working group for improving the effectiveness of the Organization's crime prevention and criminal justice programme.

35. The points relating to General Assembly resolution 41/120 raised in the twelfth and thirteenth preambular paragraphs should have been included in the operative part of the draft resolution. The guidelines set forth in resolution 41/120 had not been followed with respect to several of the international instruments adopted or recommended by the Eighth Congress. The extent to which Governments had had the opportunity to submit written comments and participate in the elaboration of those instruments had varied dramatically. A more systematic approach to the preparation of draft instruments relating to crime should be instituted during the reform process. A moratorium on further standard-setting would be preferable in order to slow down the proliferation of instruments and concentrate on existing standards.

36. It had not been possible to achieve consensus on two points, which her delegation would pursue elsewhere. The Secretary-General should inform the General Assembly of his current criteria for determining what items should be published in official United Nations compilations of international instruments. Furthermore, a final review or quality control evaluation should be conducted before the General Assembly adopted draft instruments, especially those prepared by subsidiary

(Ms. Ojamaa, United States)

bodies. Such a process could include a technical analysis by the Secretariat, a review of a draft instrument by the Sixth Committee to ensure consistency with existing international law, or an opportunity for Governments to submit written comments. A detailed comparative analysis of the draft instruments concerning imprisonment or detention and existing international instruments should have been made in order to avoid inconsistencies and redundancy.

Draft resolution A/C.3/45/L.30

37. The CHAIRMAN said that Barbados had become a sponsor of the draft resolution.

Draft resolution A/C.3/45/L.30 was adopted without a vote.

38. Mr. RAVEN (United Kingdom) said that his delegation had joined in the consensus on draft resolution A/C.3/45/L.30, although it had certain reservations since the text duplicated some existing resolutions and procedures in the area of crime. The operative provisions of the draft resolution were vague and gave little indication of expected results or the means for assessing them. Furthermore, the draft resolution was somewhat at variance with draft resolution 2 adopted at the Eighth Congress. His delegation did not feel that draft resolution A/C.3/45/L.30 should be given exceptionally high priority and hoped that resources for implementing the draft resolution would not be diverted from other programmes.

Draft resolution A/C.3/45/L.33

39. The CHAIRMAN said that Romania and Turkey had become sponsors of the draft resolution.

Draft resolution A/C.3/45/L.30 was adopted without a vote.

40. The CHAIRMAN said that the Committee had concluded its consideration of agenda item 100.

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/45/L.26, L.28, L.32, L.35, L.42)

Draft resolution A/C.3/45/L.26

41. The CHAIRMAN said that Benin, Guinea, Guyana, Mali, Peru and Yemen had become sponsors of the draft resolution. A recorded vote had been requested on the draft resolution.

42. Mr. STUART (Australia), speaking in explanation of vote before the vote, said that in recent years the relevant General Assembly resolutions had moved away from the compromise language which had enabled his delegation and several others to vote in favour of them. Having noted some improvements in the draft text and hoping to find common ground, his delegation had made several proposals to the lead sponsor.

(Mr. Stuart, Australia)

Unfortunately, the sponsors had not been willing at that stage to accept the proposed changes. His delegation welcomed the spirit in which its proposals had been discussed, but regretted that they had not been accepted.

43. When the Declaration on the Right to Development had been adopted, the Australian Government and many others had been able to support it because it attempted to strike a balance between the individual and collective elements of human development. Some of the provisions of draft resolution A/C.3/45/L.26 gave the impression that the Declaration dealt more with the supposed rights of Governments and States. His Government believed that the essence of human rights was the welfare and freedom of human beings who, in many cases, required protection against the excesses and arbitrary actions of the State and its agents. Accordingly, Australia would abstain in the vote on the draft resolution. It nevertheless hoped that at future sessions the sponsors would be open to proposals that would resolve the issue satisfactorily.

44. Mr. MEZZALAMA (Italy), speaking in explanation of vote on behalf of the 12 States members of the European Community, said that the Twelve would abstain in the vote on the draft resolution. They attached great importance to promoting human rights and fundamental freedoms and understood the economic difficulties of the developing countries, but they disagreed with the tenth preambular paragraph. They deplored the distortion of the concept of human rights through the emphasis placed on a collective approach, and also the confusion of those rights with other categories of rights. They disagreed that human rights could not be implemented until certain pre-conditions were met, and regretted the fact that the draft resolution did not reflect the concept that all violations of human rights were of concern to the international community.

45. A recorded vote was taken on draft resolution A/C.3/45/L.26.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, El Salvador*, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Spain, Swaziland, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

46. Draft resolution A/C.3/45/L.26 was adopted by 104 votes to 1, with 31 abstentions.

47. Ms. SAINT MALO (Panama), speaking in explanation of vote, said that her delegation had voted for the draft resolution because it reflected her country's position on the need for uniform protection of human rights. She also wished to point out that human rights in Cuba must be considered on the same basis as human rights in other countries. A Cuban human rights committee had submitted human rights petitions to her Government, which had forwarded them to the Secretary-General.

48. Mr. MORA (Cuba), speaking on a point of order, said that the question of human rights in Cuba was already under consideration in another body and that the representative of Panama should confine her remarks to explaining her delegation's vote on the draft resolution.

49. Mr. ALFARO-PINEDA (El Salvador) said that his delegation had intended to vote in favour of the draft resolution and had abstained by mistake. It therefore requested its vote changed.

50. Ms. CRAIG (New Zealand) said that her delegation had voted for the draft resolution because it favoured the promotion of human rights and fundamental freedoms and understood the importance of development in that connection. It would, however, have preferred the version proposed by the Australian delegation. It had reservations concerning paragraph 11, which it felt was premature, but welcomed operative paragraph 10. It was encouraged by the General Assembly's efforts to promote international economic co-operation, and especially to revitalize growth in developing countries.

51. Mr. KHODAKOV (Union of Soviet Socialist Republics) said that his delegation had voted for the draft resolution. Many elements in it deserved support, but others should be updated to reflect new trends in human rights co-operation. He hoped that future resolutions on the subject would be adopted by consensus.

52. Ms. TERANISHI (Japan) said that her delegation had abstained because it could not accept paragraphs 5, 6 and 10 of the resolution, which introduced extraneous

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* See para. 49 below.

(Ms. Teranishi, Japan)

elements. Economic development and international security were important to human rights, but they were not a prerequisite. Her delegation had reservations about the concept of the right to development as mentioned in paragraphs 5 and 6.

Draft resolution A/C.3/45/L.28

53. The CHAIRMAN announced that Guatemala, Jamaica, Lesotho, Peru, Vanuatu and Zimbabwe had become sponsors of the draft resolution.

54. Ms. KAMAL (Secretary of the Committee) said that the resolution had been orally amended. In paragraph 1, the words "with interest" should be inserted after the words "Takes note". In paragraph 3, the words "setting up" should be deleted. In paragraph 4, the words "of the Secretariat" and "and enhance" should be deleted. In paragraph 6, the words "and monitoring" should be deleted.

55. Draft resolution A/C.3/45/L.28, as orally amended, was adopted without a vote.

56. Ms. OJAMAA (United States of America), speaking in explanation of vote, said that democracy was essential to economic and social development but that the logic of the argument concerning the right to development was flawed. Her delegation therefore dissociated itself from the concepts contained in the draft resolution.

57. Mr. GROLIG (Germany) said that the draft resolution contained ambiguities and required discussion. The right to development could not be considered an internationally binding right.

58. Ms. TERANISHI (Japan) said that her delegation had joined in the consensus on the resolution but had not changed its position that the concept of the right to development was different from the concept of human rights.

Draft resolution A/C.3/45/L.32

59. Mr. MORA (Cuba) said that his delegation had submitted amendments to draft resolution A/C.3/45/L.32, which were contained in document A/C.3/45/L.42, because it could not accept any weakening of the right of peoples to complete sovereignty over their natural resources. The Secretary-General should have taken General Assembly resolution 43/124 into account instead of considering only the comments of certain States. In a spirit of flexibility, his delegation would be prepared to agree to the adoption of the draft resolution without a vote, but hoped that the Committee would, in addition, adopt the following draft decision, in which case it would withdraw its amendments:

"The General Assembly,

"Recalling its resolution 43/124 of 8 December 1988,

(Mr. Mora, Cuba)

"Requests the Secretary-General to seek the views of Member States on its resolution 43/124 regarding the impact of property on the enjoyment of human rights and fundamental freedoms, and to report to the General Assembly at its forty-seventh session."

60. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee decided to adopt the draft decision proposed by the delegation of Cuba.

61. It was so decided.

62. The CHAIRMAN said that the amendments in document A/C.3/45/L.42 were withdrawn.

63. Ms. KAMAL (Secretary of the Committee) said that draft resolution A/C.3/45/L.32 had been orally amended. In paragraph 3, the words "consistent with national policies" should be added after the words "at the national level".

64. Draft resolution A/C.3/45/L.32, as orally amended, was adopted without a vote.

Draft resolution A/C.3/45/L.35

65. The CHAIRMAN announced that Bolivia, Costa Rica, Germany, Greece, Guatemala, Romania, Samoa and the United Kingdom had become sponsors of the draft resolution.

66. Draft resolution A/C.3/45/L.35 was adopted without a vote.

67. The CHAIRMAN said that the Committee had concluded its consideration of agenda item 94.

The meeting rose at 5.25 p.m.

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
52nd meeting
held on
Monday, 26 November 1990
at 3 p.m.
New York

SUMMARY RECORD OF THE 52nd MEETING

Chairman: Mr. SOMAVIA (Chile)

CONTENTS

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/45/3, A/45/179, A/45/210, A/45/348, A/45/404, A/45/444, A/45/445, A/45/446, A/45/447, A/45/448, A/45/508, A/45/542, A/45/564, A/45/578, A/45/607, A/45/630, A/45/649 and Corr.1 and Add.1, A/45/651, A/45/664, A/45/697, A/45/698, A/45/174, A/45/203, A/45/207, A/45/216, A/45/227, A/45/272, A/45/280, A/45/303, A/45/329, A/45/338, A/45/381, A/45/410, A/45/667, A/45/689, A/45/690, A/45/691, A/45/692, A/45/693; A/C.3/45/1)

1. Mr. HJELDE (Norway) said that 1990 had been marked by many events which had immediate consequences for the human rights situation, some negative and others positive. Blatant disregard for the rights of the individual had been shown in some countries, while in other countries the principles of the rule of law and democracy had gained ground. The new international climate provided an unprecedented opportunity to focus on ways of enhancing the enjoyment of human rights, which were far from a reality for millions of individuals. Now that the question of human rights was included among the development issues facing the international community, the time had come to review and formulate strategies for the future and to seek to effect improvements in human lives, not only in monetary terms but also through a holistic approach to growth and development, of which participatory democracy and observance of human rights constituted basic ingredients.

2. Norway attached great importance to the work of the United Nations in developing norms and promoting a code of conduct in the area of human rights and urged all member Governments to allocate additional resources to that joint international endeavour. His delegation would like to see the Centre for Human Rights strengthened and the current shortage of resources of the various human rights treaty bodies addressed with speed and determination.

3. In Central and Eastern Europe, the movement towards democracy and the rule of law was being consolidated and refined. One welcome feature of that movement was the openness of the countries concerned in discussing the challenges of the future and the problems of their recent past, in a forthright admission that disregard of human rights had impeded sound economic management and prosperity as well as freedom and well-being. Their attitude of self-examination should serve as an example to the whole international community. While there was reason for optimism with regard to human rights in Eastern Europe, there was also reason for concern, however. In some cases, vulnerable groups were in desperate need of care and protection and there had been a resurgence of racial prejudice. Ethnic and minority conflicts posed a potential threat to the stability of the region, making the development of appropriate mechanisms for controlling and solving conflicts a matter of the utmost priority. Governments should also seek to promote fair economic and social conditions, and the Conference on Security and Co-operation in Europe (CSCE) had a major role to play in that regard. Norway wished to follow up on the work done at the CSCE meeting held at Copenhagen in June 1990 by hosting a CSCE expert meeting in 1991 on the strengthening of sustainable democratic institutions in participating States.

(Mr. Hjelde, Norway)

4. With regard to the situation of human rights in other regions, and in Asia in particular, he noted that human rights were being persistantly violated in Sri Lanka as a result of renewed fighting, and that there had been an upsurge in disappearances and arbitrary detention. His delegation appealed to all the parties concerned to enter into peaceful negotiations with a view to safeguarding the well-being of the population. The direction of events in Myanmar was also cause for concern and his delegation urged the Myanmar Government not to obstruct the will of the people and to release opposition party leaders and refrain from delaying the transition to a democratic government. There had been some positive developments in China and his delegation hoped that the Chinese Government would take steps to ensure the full protection of human rights in all parts of the country, especially where the religious life and cultural identity of the Tibetan people were concerned.

5. His Government supported the continuing efforts to find a comprehensive, just and durable solution to the conflict in Cambodia. It condemned the abhorrent policies pursued from 1975 to 1978 and urged that the Khmer Rouge not be allowed to seize power through force of arms or manipulation. The human rights situation in Afghanistan was a continuing challenge to the international community in general and the United Nations in particular. The need to take a truly humanitarian and non-political approach was as pressing now as it ever had been.

6. Turning to the situation of human rights in Africa, his delegation welcomed the positive developments that had taken place in South Africa over the past year and hoped that the dialogue between the South African authorities, the African National Congress (ANC) and other representatives of the majority of the population would continue. His delegation was, however, deeply concerned about the continuing violence and urged all parties to do their utmost to put an end to it. International pressure on the Government of South Africa must be maintained until profound and lasting changes were effected and respect for basic human rights was introduced in South Africa.

7. The internal conflicts in northern Ethiopia and southern Sudan and the tragic unrest in Somalia had caused untold human suffering and were a source of great concern to the international community. His delegation appealed to all the parties concerned to work actively towards reconciliation and a peaceful settlement and, in the mean time, to do their utmost to ensure respect for the fundamental humanitarian principle of free access and distribution of humanitarian aid to all civilians in need. With regard to the Sudan in particular, he noted that there had been reports of the imprisonment of political leaders, lawyers and trade unionists and also of executions. His delegation appealed to the Sudanese authorities to desist from such actions and to release all political prisoners and detainees.

8. Norway had been following the human rights situation in Kenya and had found it dispiriting to observe imprisonments and detentions of advocates of human rights and democratization. His Government had been voicing its concern through normal diplomatic channels and regretted that Kenya had decided to break off diplomatic relations with Norway. His Government did not regard efforts to protect

(Mr. Hjelde, Norway)

fundamental human rights as interference in the internal affairs of other countries, for it believed that all countries shared a responsibility to speak out when there was reason to do so. Norway was concerned about the imprisonment of Kenyan dissidents and appealed for fair trials and due process of law.

9. His delegation also wished to voice its concern about the human rights situation in the occupied West Bank and Gaza Strip, where children and young people in particular were suffering from the measures taken, which included the closure of schools and the curtailment of educational opportunities. Many Palestinian leaders remained subject to travel bans, deportations continued and a great number of Palestinian lives had been lost. It was incumbent upon the Israeli forces to refrain from any indiscriminate and excessive use of violence. At the same time, innocent Israeli citizens were the targets of terrorist attacks. His delegation urged both Israel and the Palestinians to explore new opportunities for progress towards peace.

10. His Government was deeply worried about the serious violations of human rights in Iraq and the situation of the Kurdish population of that country. The Iraqi aggression against Kuwait had added a tragic new dimension to the human suffering in the region, and his Government condemned the reported acts of mistreatment, arbitrary detention, summary execution and other atrocities against even women and children in Kuwait. It urged the Government of Iraq to allow all foreigners who so wished, to leave Iraq and Kuwait immediately. The human rights situation in Iran was also still cause for concern and the Iranian authorities must take further stringent action to eliminate human rights violations.

11. His Government welcomed the improvements in the human rights situation in Latin America over the past year, although it was still deeply concerned about continuing violations of human rights in El Salvador and Guatemala, where there were reports of extrajudicial and politically motivated executions and disappearances. Reports of the harassment, torture and killing of homeless children in several countries in the Latin American region were also of great concern to Norway.

12. It was his Government's objective to defend human rights wherever violations occurred. It greatly valued the contribution made to that objective by non-governmental organizations and individual human rights advocates, whose activities deserved not only recognition and support but also greater protection at the country level. It would therefore welcome the early adoption of a United Nations declaration on the rights and responsibilities of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

13. Mr. LONNROTH (Finland), speaking also on behalf of the delegations of Norway and Sweden with regard to the draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and on the draft resolution calling for its adoption, noted that Finland, Norway and Sweden had taken an historic interest in the promotion and protection of the human rights of

(Mr. Lonnroth, Finland)

all individuals. They believed that, as a prerequisite of peace and security, the enjoyment of human rights should continue to occupy a prominent place on the agenda of the international community. The draft Convention was a step forward in United Nations efforts to combat discrimination and promote human dignity.

14. Migration was a complex phenomenon. Much more than simply the movement of individuals away from their homeland in search of a better future, it reflected the gap between poverty and wealth, growth and stagnation, unemployment and work opportunities, cultural and ethnic discrimination and hopes for equality, deprivation and promises of progress, and environmental impoverishment and better living conditions. It should therefore be considered against the wider background of social and economic development, which required global action and co-operation at the international level.

15. Although basic human rights were universally and indivisibly applicable, there were some categories of individuals whose special situation needed to be taken into account. People residing and working in a country other than their own were one such category and the draft Convention represented an effort to meet their special concerns. Experience had shown that migration, far from losing its significance, would remain a top priority on the political agenda in the years to come. The problem of illicit or non-documented migration was also cause for growing concern in many areas, and it was necessary to ensure that migrant workers affected by political or military crises for which they bore no responsibility continued to enjoy their rights. It was a fallacy to assert that there was a conflict of interests between "sending" and "receiving" countries, since no country was exclusively one or the other, and all States sending and receiving migrant workers had the obligation to protect their rights.

16. Norway, Sweden and Finland had been actively involved in the elaboration of the draft Convention, serving on both the informal Mediterranean-Scandinavian Group and on the open-ended Working Group. Although the final draft contained some provisions which fell short of their expectations, others which they would have phrased differently and still others which they had found difficult to accept, they believed that the end result was the best that could be achieved and they favoured both its adoption and the adoption of the draft resolution pertaining to it. In their view, the draft Convention was significant in that it represented the first global attempt to codify the rights of all migrant workers and their family members in one instrument. The draft broke new ground in that it included a universal definition of the migrant worker and provided for special categories of migrant workers not previously covered by international instruments, such as project-tied and self-employed workers, thereby reflecting the changing nature of the migratory phenomenon. The draft Convention also differed from many other international instruments on migration in that it applied the principle of equal treatment with the nationals of the State of employment, which was particularly relevant in the case of migrant workers in an undocumented or irregular situation. By establishing a set of fundamental rights applicable to all migrant workers and a set of sanctions against the exploitation of undocumented workers, the draft Convention created conditions in which illicit trafficking in clandestine migrant

(Mr. Lonnroth, Finland)

workers could be combated. It also provided a framework for further international co-operation in the promotion of sound and lawful conditions for migratory movements.

17. Any human rights instrument required efficient machinery to supervise its implementation and the proposed three-tier system of regular reporting, a State complaint procedure and an optional individual complaint procedure fulfilled that requirement. Because of the universal nature of the human rights provided for in the draft Convention, it was logical that the international community should take collective responsibility for its implementation. There seemed to be no alternative therefore to the funding of the implementation machinery from United Nations resources.

18. Although human rights instruments granted every individual the right to leave any country, including his or her own, and to return to his or her own country, that did not imply an unequivocal right to enter any country. The decision whether or not to admit migrants from other nations would remain a matter of sovereign choice for the receiving State. However, persons who were admitted to live and work in another State and to contribute to its welfare deserved to be treated with dignity and respect on equal terms with the nationals of that State. The draft Convention might become a major step in ensuring the fulfilment of that principle.

19. Mr. SCHERK (Austria) said that, under the Charter of the United Nations and the preamble to the Universal Declaration of Human Rights the international community had a duty to address gross violations of human rights wherever they occurred. Performance of that duty did not constitute interference in the internal affairs of States, nor did it represent an attempt to impose the standards of a few States on other regions. International vigilance had been a central consideration in the establishment of the mechanisms of the Commission on Human Rights for monitoring respect for human rights obligations. His delegation was highly appreciative of those mechanisms and of the work done by the Commission's Special Rapporteurs on torture, religious intolerance and summary and arbitrary executions and by the Working Group on Special and Involuntary Disappearances, whose contribution to the effective protection of human rights had been an important one. His delegation also valued the reports of the special rapporteurs and special representatives on country situations and welcomed the co-operation extended by the Governments concerned.

20. The Special Rapporteur on the situation of human rights in Afghanistan was to be commended for the clear assessment he had made. Austria was disturbed by his conclusion that the situation in Afghanistan had hardly improved and shared his view that a political solution to the armed conflict was essential if human rights were to be respected throughout the country. The use of weapons of mass destruction against the civilian population must be halted, and the return of refugees to their homes must be pursued as a matter of priority.

21. His delegation had also noted with great interest the detailed report submitted by the Special Representative on the situation of human rights in the

(Mr. Scherk, Austria)

Islamic Republic of Iran, and it welcomed the steps taken by the Iranian Government to implement some of the recommendations made in earlier reports. It remained seriously concerned, however, about the continuing frequent violations of human rights in that country. It was also concerned about the many reports of grave human rights abuses by the Iraqi occupation forces in Kuwait and about reports of human rights violations in Iraq itself, including summary executions of Iraqi and Kuwaiti nationals protesting the invasion. Austria found Iraq's use of foreign nationals as human shields utterly unacceptable.

22. The situation of human rights in El Salvador, where politically motivated summary executions, abductions and enforced disappearances, torture and terrorism had been reported by the Special Representative, also warranted continuing concern, especially since such occurrences were a serious obstacle to the current negotiations for a peaceful solution to the armed conflict. His delegation also wished to express concern about the absence of any real progress in the judicial investigation into the murder of six Jesuit priests and two of their co-workers in November 1989. In Guatemala, the extra-judicial executions, enforced disappearances, death squad activities and cases of torture reported by the independent expert assigned to examine the human rights situation in the country were also deeply troubling.

23. His Government had repeatedly expressed concern about continuing human rights violations in Myanmar and appealed to the authorities of that country to free opposition representatives and transfer power to a democratically constituted Government. It was also seriously concerned about the continued fighting and bloodshed in Cambodia, although it welcomed the progress being made towards settling that conflict.

24. Despite the many human rights violations that had occurred in 1990, the year had also seen some very positive developments, including the recent signing by Hungary of the European Convention on Human Rights. His delegation hoped that other Eastern European countries would soon follow suit. Austria also welcomed the re-establishment of a representative and pluralist democracy in Chile and the recent proclamation of a new constitution establishing a democratic constitutional monarchy in Nepal.

25. In recent years, the focus of United Nations standard-setting in the field of human rights had shifted to the protection of particularly vulnerable groups, such as children, the disabled, the mentally ill and indigenous populations. The draft Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families reflected that shift in emphasis, and his delegation believed that its adoption would improve the situation of that particular group of people and protect them from discrimination. He pointed out that ethnic, linguistic and religious minorities struggling to safeguard their identity in various European countries, and also in other parts of the world, were in a situation somewhat similar to that of migrant workers. Austria would therefore welcome a speedy conclusion of the deliberations of the Working Group which was considering a draft declaration on the rights of persons belonging to national, ethnic, religious and

(Mr. Scherk, Austria)

linguistic minorities. The States participating in the Conference on Security and Co-operation in Europe had agreed on a series of principles concerning national minorities which might serve as inspiration to the Working Group. Since the problems facing minority groups were potentially explosive, not only in the internal context of Member States but also at the international level, the international community would do well to focus its attention on instruments relating to those groups.

26. The convening of another World Conference on Human Rights, 25 years after the Teheran Conference of 1968, seemed timely and appropriate but would be useful only if it helped to enhance the protection of human rights world wide. It was therefore of primary importance that the agenda of the Conference be carefully selected and that thorough preparations be made. His Government felt that the Conference should in particular discuss ways of implementing existing human rights instruments more effectively.

27. Mr. BOUMAIZA (Algeria) said that Israel's persistent denial of the legitimate right of the Palestinian people to self-determination and the existence of the apartheid system in South Africa were flagrant violations of the principles of human rights, fundamental freedoms and racial equality. The international community must increase its efforts to restore those rights.

28. Algeria welcomed the new atmosphere in international relations as evidence of the political will for dialogue and negotiation, which in turn permitted the just and lasting settlement of conflicts. The end of the cold war and the rapprochement between the Soviet Union and the United States had already had a positive impact on some regional conflicts, and there was reason to hope that the peoples of southern Africa, Central America and Cambodia might finally be able to exercise their legitimate right of self-determination and to enjoy their fundamental freedoms. In his own region, the economic and social integration of Arab Maghreb States was proceeding apace and progress in building the Arab Maghreb Union was a guarantee of peace for the peoples of the region and an advance in multisectoral co-operation, including co-operation in the human rights field.

29. The adoption of international legal instruments was an important means of protecting human rights and Algeria therefore welcomed the report of the open-ended Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It looked forward to the early adoption of the Convention because of its own large population of émigré workers who, although they had helped to rebuild Europe after the Second World War, were all too often the targets of violence, racism and xenophobia. His delegation trusted that there would be no further amendments to the draft Convention which might jeopardize the hard-won consensus in the Working Group, and appealed in particular to the two delegations which had been reluctant to accept the proposal in article 72 that the expenses of the members of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families should be borne by the United Nations. Experience had shown that human rights treaty bodies funded from the Organization's regular budget remained operational

(Mr. Boumaiza, Algeria)

and effective, while similar bodies financed by voluntary contributions, such as the Committee on the Elimination of Racial Discrimination and the Committee against Torture, were no longer able to meet because of inadequate resources. In that connection, he recalled the recommendation of the persons chairing human rights treaty bodies that such future committees should be funded by the United Nations.

30. Algeria had welcomed the International Convention on the Rights of the Child, but regretted that the recent World Summit for Children had not paid due attention to the plight of Palestinian children. They were the most brutalized children of all, in both body and spirit, because of the Israeli occupation.

31. The enjoyment of human rights depended on economic and social well-being. However, the widening North-South gap and the growing imbalance in international economic relations, marked by indebtedness, closed markets and falling prices for raw materials and commodities, was resulting in economic regression for the third world countries. The burden of that situation fell most heavily on the most deprived classes, causing discontent and anger which sowed the seeds of instability and social unrest.

32. To permit joint consideration of the opportunities offered by East-West rapprochement for reactivating the world economy and stimulating economic growth in the developing countries, his country had suggested the convening of a special ministerial meeting of the Economic and Social Council, possibly at the Council's next session. Algeria planned to host a meeting of eminent persons to discuss preparations for such a session.

33. In debating human rights issues, it was important to ensure that ideological or political differences were not used for the selective condemnation of national human rights situations, exploited for political ends or used as a means of interfering in the internal affairs of States. Action in the Commission on Human Rights, the Economic and Social Council and the United Nations must be guided at all times by scrupulous respect for the principles proclaimed in the Charter.

34. Mr. TRAXLER (Italy), speaking on behalf of 12 States members of the European Community, said that human rights were a legitimate concern of States, the United Nations and the general public. As the International Court of Justice had made clear, action to protect human rights could not be construed as unwarranted interference in the internal affairs of States. There was growing recognition that respect for human rights, the rule of law, political pluralism and accountable and efficient government institutions were central to efforts to secure dynamic economic growth and equitable distribution of its fruits. The connection between democracy, human rights and sustainable development had become more and more evident. Respect for human rights was an essential element of the fourth Lomé Convention between the European Community and its partners, the African, Caribbean and Pacific States, and of the Community's development co-operation with the Asian and Latin American countries.

35. The Twelve welcomed the ending of the cold war, the creation of a unified Germany and the holding of democratic elections in Central and Eastern Europe,

(Mr. Traxler, Italy)

which had set firm guidelines for the Community's contribution to the development of closer relations with the other countries of Europe. Iraq's brutal invasion and occupation of Kuwait had cast a shadow over those positive developments, however, and the Twelve demanded that Iraq withdraw its forces immediately from Kuwait, that the legitimate Government of Kuwait be restored and that all foreign nationals who so desired be allowed to leave Iraq and Kuwait. They reaffirmed that no solution was possible without prior implementation of the relevant Security Council resolutions.

36. The Twelve reiterated their view that human rights programmes were not only the main priority of the Third Committee but also one of the main priorities of the Organization as a whole. If the United Nations was to fulfil its responsibilities in that vital area, the Centre for Human Rights must be strengthened and given the funds it needed to perform its functions. The Twelve regretted that the Secretariat had failed to submit to the General Assembly the brief report requested in paragraph 3 of Economic and Social Council resolution 1990/47 on actions taken in 1990 and planned for 1991 as interim solutions to the problems posed by the resource situation described in document E/1990/50. They greatly valued the Centre's programme of advisory services and technical assistance and hoped that it would be possible to meet the increasing number of requests for assistance, with the help of the United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights. The World Conference on Human Rights planned for 1993 would make an important contribution to the attainment of an international human rights régime, and the Twelve would assist in the preparations necessary to ensure the success of the Conference and the wider mobilization of intergovernmental and non-governmental organizations and public opinion. The non-governmental organizations had a fundamental role to play in the defence of human rights, the formulation of principles and programmes and the promotion of international awareness of human rights.

37. Drawing attention to violations and monitoring the protection of human rights was a fundamental duty of the international community, and United Nations involvement in specific situations in certain countries should not be seen as hostility towards the countries concerned. Governments must extend full co-operation to the various components of the United Nations monitoring mechanism. In that connection, it was vital that the financial problems of the Committee against Torture and the Committee on the Elimination of Racial Discrimination, which stemmed from the failure of a number of States Parties to pay their contributions in full, be solved as soon as possible.

38. The existence of international human rights standards and mechanisms was an encouragement to those struggling for freedom. He commended in particular the work of the Special Rapporteur on Torture, the Special Rapporteur on Summary or Arbitrary Executions, the Special Rapporteur on religious intolerance and the Working Group on Enforced or Involuntary Disappearances. At the same time, the Twelve were disturbed to note that, despite some positive developments, the situation with regard to torture had deteriorated in a number of countries and there had been allegations and instances of torture of children and juveniles; that

(Mr. Traxler, Italy)

allegations and cases of summary or arbitrary executions continued to increase and death threats, often against human rights advocates, were becoming widespread; that there had been an alarming increase in the number of politically motivated disappearances, in which paramilitary groups were involved; and that infringements of freedom of religion or belief persisted in many parts of the world. The Twelve welcomed the progress being made by the countries of Central and Eastern Europe, however, in particular the enactment in the Soviet Union of a new law on freedom of conscience and on religious organizations.

39. Europe had already played a part in the promotion of human rights, both in the framework of the Council of Europe and as part of the Conference on Security and Co-operation in Europe (CSCE) process. Every member State of the European Community had at some time had findings against it by the European Commission on Human Rights or the European Court of Human Rights established by the European Convention on Human Rights. That Convention, which would be signed by the countries of Central and Eastern Europe following their accession to the Council of Europe, should be the reference point for the formulation of new commitments under the human dimension of CSCE. In that connection, at the second CSCE meeting on the human dimension, held at Copenhagen in June 1990, participating States had for the first time all affirmed their determination to support and promote the principles underlying democracy and the rule of law. The CSCE Summit held recently at Paris had formally reaffirmed the commitment to a united, peaceful and democratic Europe, founded on law and dedicated to respect for human rights.

40. The Twelve continued to give their full support to the dialogue between the representatives of the three Baltic peoples and the Government of the Soviet Union, aimed at a political settlement. The situation in Albania was a source of continuing concern. Implementation of the Albanian Parliament's decisions on democratization and reform remained unsatisfactory. The Twelve were also concerned about the human rights situation in Kosovo, Yugoslavia. Concerning the situation in Cyprus, they reaffirmed their support for the unity, independence, sovereignty and territorial integrity of Cyprus, in accordance with the relevant United Nations resolutions, and urged the prompt removal of obstacles to effective inter-communal talks aimed at finding a just and viable solution on the basis of the good offices mission of the Secretary-General.

41. The recent successes for freedom and democracy in Central and Eastern Europe and in Latin America inspired hope in countries where tyranny and violence persisted. Wars and conflicts frequently provided a pretext for the Governments concerned, and sometimes for their neighbours, to maintain exceptional legislation which denied citizens their fundamental rights and freedoms. The human rights aspect was now an integral part of United Nations peace-making and peace-keeping activities, as could be seen from Namibia's independence process and the peace process in Central America.

42. The Twelve had always condemned racism and racial discrimination and advocated the total eradication of the apartheid system in South Africa by peaceful means. As the Secretary-General had pointed out, with the positive developments of the

(Mr. Traxler, Italy)

past year, South Africa had reached the threshold of a new era. However, a long and difficult road still lay ahead. The central pillars of apartheid had yet to be removed, which should be done through the abolition of all discriminatory laws, the release of political prisoners, the return of exiles and the passing of new legislation. The Twelve noted that the South African Government had committed itself to completion of the reform process at the next Parliamentary session and thereafter through the negotiation of a new Constitution.

43. The Twelve welcomed the dialogue initiated between the South African Government and ANC. The constitutional negotiations should lead to the total abolition of apartheid and the creation of a democratic, united and non-racial society. The South African authorities must do their utmost to prevent violence, and the parties concerned should settle their differences peacefully in order to achieve national reconciliation. The European Community had decided to increase its programme of assistance to the victims of apartheid to meet the changing needs in South Africa.

44. The human rights situation in many parts of Africa was cause for deep concern. Extra-judicial killings had been reported in some countries and the authorities should take the necessary measures against those found guilty of such violations. The Twelve were acutely concerned at the situation in the Horn of Africa, which was marked by continuing conflict and widespread human suffering. They were willing to support any regional initiative to promote reconciliation and a peaceful settlement of hostilities in Ethiopia, Somalia and the Sudan. They likewise hoped that a peaceful solution would be achieved in Rwanda and supported all initiatives to reach a regional agreement on finding a just and lasting solution to the problem of the Rwandese refugees in neighbouring countries.

45. The situation in Liberia was tragic. The Twelve particularly deplored the loss of life among the civilian population and the wholesale destruction caused by the civil war. They condemned the action taken against innocent civilians and called upon the parties to end the conflict through peaceful means. The situation of the more than 700,000 Liberian refugees in neighbouring countries was cause for particular concern.

46. Arbitrary detention, physical and psychological torture, disappearances, summary executions and other atrocities perpetrated by the Iraqi occupiers were the order of the day in Kuwait. The Twelve strongly condemned those outrageous acts against innocent individuals and deplored the ongoing violation of the basic principles governing the protection of civilian populations in time of war, the forced relocation of civilians and the taking of foreign hostages. They reaffirmed their total support for efforts to secure the freedom of all foreign citizens trapped in Iraq and occupied Kuwait, and denounced Iraq's unscrupulous use of hostages to divide the international community. The basic rules of international law governing the treatment of foreign nationals and the protection of diplomats had been violated by the Iraqi authorities. The people of Iraq were themselves prey to their own leaders, who denied them their fundamental freedoms and pursued policies directed against the country's ethnic minorities. The Twelve had not

(Mr. Traxler, Italy)

forgotten the inhuman suffering inflicted on the Kurds in Iraq. The forced relocation of thousands of Kurds was unacceptable. The Community was also concerned about the situation of Kurdish minorities in other countries of the region.

47. The Twelve were increasingly concerned about the situation in the territories occupied by Israel and had repeatedly called upon Israel to respect human rights, denouncing its failure to comply with its obligations under the fourth Geneva Convention relative to the Protection of Civilian Populations in Time of War. They remained deeply concerned about the practices of administrative detention, deportation, collective punishment and discriminatory economic measures. Just as they deplored the recent tragic incident on the Temple Mount, they also deplored acts of violence against Israeli citizens. All parties concerned had a responsibility to refrain from actions that might impede dialogue and negotiations. Further measures must be taken under the fourth Geneva Convention to protect the human rights of the populations of the occupied territories. The occupying Power must fulfil its obligations to those populations and meet its international responsibilities, particularly in the areas of health and education.

48. The Twelve expressed their profound consternation at the serious human rights violations occurring in Lebanon and reiterated their full support for the implementation of the Taif agreements. They were also concerned at reports of continuing human rights violations in Syria and expected the authorities to take steps to remedy that situation.

49. The Twelve were concerned at the human rights violations reported in Iran, which included frequent executions, indefinite pre-trial detention and summary proceedings by revolutionary courts. The fate of minorities in Iran also remained uncertain. Although the treatment of certain individual cases had improved, the Baha'i community was in a perpetual state of uncertainty. The Twelve welcomed the Iranian Government's pledge to invite the International Committee of the Red Cross to visit prisons in the country and its readiness to allow a visit by representatives of Amnesty International. United Nations monitoring of compliance with international human rights instruments in Iran should continue.

50. In Afghanistan, the lives, personal freedom and security of civilians were constantly at risk. The situation of Afghan refugees continued to give rise to considerable human rights problems. The Twelve called on all the parties to the conflict to respect human rights and the principles of humanitarian law. The work of the Special Rapporteur on Afghanistan was of continuing value in providing information about the situation in that country. Full enjoyment of human rights in Afghanistan could be ensured only through a dialogue leading to a the establishment of a fully representative Government. The Twelve reaffirmed their support for the efforts of the Secretary-General to facilitate such a settlement.

51. The European Community welcomed the framework agreed upon through the United Nations for settling the conflict in Cambodia. The Twelve supported a comprehensive political settlement ensuring the independence, sovereignty,

(Mr. Traxler, Italy)

territorial integrity and neutrality of Cambodia as well as the fundamental right of Cambodians to choose their Government in free and fair elections under the auspices of the Organization. They stressed the need to fully protect the human rights of refugees and ensure their safe return to their homes. No group should be allowed to seize or retain power through armed force. The Twelve remained concerned about the continuing detention of political prisoners in Viet Nam and hoped that the Vietnamese authorities would take the necessary measures for their release.

52. The Community expressed concern about the precarious situation in Sri Lanka, particularly the continuing violation of human rights, and deplored the resurgence of hostilities initiated by the Liberation Tigers of Tamil Eelam. Although the Twelve recognized the serious difficulties faced by the Sri Lankan Government, they urged that human rights should be respected and that only minimum force should be used to restore peace and maintain order. The Government should take action against the so-called death squads and make every effort to bring those responsible for disappearances and killings to justice. It was hoped that the Working Group on Enforced or Involuntary Disappearances would visit Sri Lanka soon. The Community deplored the obstruction of attempts by citizens to give testimony to the Working Group in contravention of resolution 1990/76 of the Commission on Human Rights.

53. The Twelve were deeply concerned about reports of continued violations of human rights in Myanmar, including recent action by the military régime to prohibit legitimate political activities. The Community strongly urged the rulers of Myanmar to respect the will of the people so clearly expressed in May and called upon the régime to desist from harassing opposition leaders and to release political prisoners immediately. The European Community was still concerned at the human rights situation in China and hoped that that country would get back on the path of reform. The Chinese authorities should guarantee full respect for human rights throughout the country, including Tibet.

54. The recent allegations of human rights violations in East Timor were disquieting. The Twelve hoped that a just, comprehensive and internationally acceptable settlement could be achieved that would protect the legitimate interests of the East Timorese. The Community would continue to monitor developments there closely, including the human rights situation.

55. The Twelve deplored the use of violence by militant groups in Kashmir and were also concerned at the reports of human rights abuses by the Indian security forces. He urged the Indian Government to pursue its efforts to prevent such abuses.

56. A number of countries in Latin America had taken significant steps towards reconciliation and democracy in 1990. The Community noted with satisfaction the political and economic reforms launched by some Governments to solve deep-rooted problems. Nevertheless, the human rights situation in some countries of the region was still worrisome. The Twelve were still particularly concerned at the serious human rights violations in El Salvador, and urged speedy prosecution of all cases of unlawful killings, including those of trade union leaders. One year after

(Mr. Traxler, Italy)

the assassination of six Jesuit priests and two of their assistants at the Central American University, no real progress has been made in reforming judicial procedures and in securing the co-operation of certain sectors of the armed forces. The settlement of that case, which was a key factor for consolidating democracy and ensuring the independence of the judiciary, should lead to a just and exemplary sentence for those responsible. The Government and all the country's political authorities, institutions and forces, including the guerrilla organization, must halt attacks against individuals and take immediate steps to prevent killings and disappearances, in accordance with the commitment made under the San José agreement between the Government and the FMLN. The Twelve called upon the Government and FMLN to continue negotiations leading to a just and lasting peace followed by national reconciliation.

57. The human rights situation in Guatemala continued to cause profound concern. Although the Guatemalan Government seemed to be making some effort to protect fundamental rights and freedoms, public order had deteriorated and the Government had failed to investigate human rights violations and bring those responsible to justice, leading to widespread abuses. The Twelve appealed to the Government of Guatemala to intensify its efforts to ensure that all its authorities and security forces fully respected the human rights and fundamental freedoms of the Guatemalan people. The United Nations should continue to monitor the situation closely. The start of a dialogue between Guatemalan political parties and sectors of society with the participation of a representative of the Secretary-General gave grounds for hope that hostilities would end and that the human rights situation would improve. The participation of the Guatemalan Government in that dialogue would further enhance prospects for a peaceful settlement of the conflict.

58. The European Community remained concerned at the human rights situation in Cuba and hoped that the Cuban authorities would co-operate with the Secretary-General so that he could submit a full report at the next session of the Commission on Human Rights.

59. The Twelve welcomed the return to democracy in Chile and the steps by the Government to ensure full respect for human rights and justice for the victims of the excesses of the previous régime.

60. The international community had the duty to assume responsibility for the legitimate aspirations of individuals and peoples whose rights were violated and to indicate the most appropriate ways to eliminate such abuses. The European Community would continue to promote the establishment of conditions necessary to ensure the freedom and well-being of all citizens in the world.

61. Mr. ROCHEREAU DE LA SABLIERE (France) welcomed recent promising developments in the promotion of human rights inspired by the action taken by the international community. Governments no longer claimed that investigations of human rights situations were inconsistent with their sovereignty and they acknowledged the need to respect them at least in theory if not always in practice. States from all regions had, for example, agreed to convene a world conference on human rights in

(Mr. Rochereau de la Sabliere, France)

1993, and the recent United Nations Conference on the Least Developed Countries had recognized that democracy was one of the principal elements of national development strategy. Beneficiaries of development assistance now understood that sustained growth and implementation of the recently recognized right to development were impossible without respect for political and economic rights and donor countries understood that it was pointless to condemn human rights violations without taking into account the difficulties of Governments and their need for assistance. Bearing those considerations in mind, France had supported the Commission on Human Rights draft resolution on drug traffickers and contributed generously to the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights.

62. The agreement recently concluded between the opposing parties in El Salvador was further evidence of the growing importance of human rights in international life. The growing recognition of human rights had also been both a cause and a consequence of the recent political upheavals in Eastern Europe, and the Paris Charter recently adopted by the Heads of State and Governments at the CSCE Conference had proclaimed that the new Europe would be founded on respect for human rights. Moreover, progress towards democracy could be noted in Asia and Africa as well as in Latin America. Those developments made human rights violations increasingly intolerable, and increasingly difficult to conceal. In that connection, he paid a tribute to the active role played by the non-governmental organizations.

63. The United Nations system, through its special rapporteurs and working groups, had proven its effectiveness and extreme caution should be exercised before tampering with procedures and mechanisms that had proved their worth. Some improvements must be made, however, and more adequate resources should be made available to the Centre for Human Rights for that purpose.

64. Still, human rights were all too often honoured more in the breach than in the observance and sustained action was needed to make sure that States not only enacted or acceded to human rights instruments but honoured their commitments under those instruments. All fundamental human rights, whether civil and political or economic, social and cultural, must be protected without restriction, and lack of resources or insufficient development could not justify violations. The fact that some rights were more difficult to implement than others could not justify attempts to maintain the status quo.

65. Experience had shown that international monitoring of human rights was more effective when supported by regional machinery, and he hoped that the forthcoming world conference on human rights would deal with that aspect while at the same time preserving the universality of criteria and norms and stressing the need to respect the principles recognized by the entire international community.

66. More sophisticated and appropriate standards had to be developed to protect especially threatened categories of rights. An excellent example was the Convention on the Rights of the Child. France had ratified it and urged other

(Mr. Rochereau de la Sabliere, France)

countries to do the same. The United Nations had also been concerned with the impact of scientific and technological progress on human rights, and he hoped in that connection that the guidelines for the regulation of computerized personal data files referred to in General Assembly resolution 44/132 would be adopted. He also hoped that the Commission on Human Rights would adopt by consensus its working group's compromise text on the protection of the mentally ill. Other aspects of the relationship between technology and human rights, such as bioethics, genetic manipulation and the treatment of embryos had cuased much controversy and should be the subject of an exchange of views and experience with a view to finding humane solutions that reconciled respect for sensitivities and defence of the rights of the individual.

67. Mr. SLABY (Czechoslovakia) said that the previous year had been a good one for human rights in his own region of the world but that violations persisted in many others. The peaceful democratic revolution that had taken place in Czechoslovakia had resulted in enormous progress in restructuring the country's legal and social system with the object of guaranteeing individual freedom and creating a viable democracy in which liberty and not licence prevailed.

68. The human rights situation had also improved in such places as Chile and Nicaragua, and to some extent in South Africa, but in other areas the concept of human rights and fundamental freedoms was virtually unknown, often because failure to respect the rights of groups created a climate hostile to respect for the rights of individuals. The invasion of Kuwait, for example, had led to a massive violation of human rights. Human rights in Afghanistan also suffered from the chaotic political situation and he hoped that an internl dialogue would lead to free elections there. He commended United Nations efforts to promote human rights in that country, as well as in Iran, where limited improvement could be noted. The United Nations should continue to monitor the human rights situation in El Salvador and Guatemala, and he deplored the negative response of the Government of Cuba to the Commission on Human Rights resolution concerning Cuba. Chile, on the other hand, might prove a useful example for others on how to move from totalitarianism to democracy.

69. Noting that commendable progress had been made towards the elimination of apartheid in South Africa, he questioned whether an escalation of sanctions against an increasingly co-operative Government might not do more harm than good. In Israel, efforts to improve its human rights record had been vitiated by the excessive use of force against civilians, which his Government, like others, condemned. Only negotiations among all parties concerned could guarantee individual human rights in the Middle East.

70. His delegation welcomed the draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/C.3/45/1) because the rights of that group required international codification and because with current developments in Central and Eastern Europe, the question of migrating labour would have an immediate impact for some of the countries of the region. His delegation would also support the draft resolution on the convening of a world conference on human rights.

(Mr. Slaby, Czechoslovakia)

71. He announced that Czechoslovakia was about to join the Council of Europe and to sign the European Convention on Human Rights, a document to which it attached great importance.

72. Mr. MONTAÑO (Mexico) said that the crucial changes that had taken place in various parts of the world had given new impetus to the promotion of human rights and fundamental freedoms. The political events in Central Europe had paved the way for surprising developments in that field. Progress made in the search for political solutions to various conflicts and the strengthening and the restoration of democratic régimes, particularly in Latin America, had helped to improve the overall human rights situation. In view of the possibility of armed conflict in the Persian Gulf, it was necessary to reaffirm strict adherence to the principles of civilized coexistence among nations, respect for the right of peoples to self-determination without outside interference, and the non-use of force in the settlement of disputes.

73. The protection of human rights was the paramount obligation of the Mexican Government. The recent establishment of the National Human Rights Commission was an event of enormous national significance in Mexico. The Commission monitored the implementation of national policy on the protection of human rights and was empowered to request reports from the competent authorities, conduct official investigations and make recommendations where necessary. It also submitted a biannual report on activities to guarantee the protection of human rights.

74. Mexico attached particular importance to the draft International Convention on the Protection of the Rights of All Migrant Workers and Their Families. Its adoption would represent a major contribution to the development of international humanitarian law. Migrant workers contributed significantly to the development of national economies. The exercise of their human rights, regardless of their status as migrant workers, must be guaranteed.

75. Mexico had resolutely supported the efforts to bring about a negotiated settlement of the conflict in El Salvador. The recent progress in the negotiations between the Government and the FMLN were cause for optimism. Unfortunately, however, although there had been a decline in the number of serious violations, there were still summary executions, acts of torture and kidnapping, the use of explosives in urban military operations and attacks on the economic infrastructure. Mexico was seriously concerned at the recent escalation of violence by the FMLN and urged an immediate suspension of hostilities and intensification of the negotiation process through the mechanisms made available by the international community and, in particular, the United Nations. The Commission on Human Rights played an extremely valuable role in that process and Mexico supported the recommendations made by the Special Representative of the Commission in his report.

76. The agreement by the Iranian Government to co-operate with the United Nations was encouraging. The representative of the Commission on Human Rights should be given greater access to sources of information in Iran in order to gain a more

(Mr. Montaño, Mexico)

objective overall view of the situation. Although there had been positive progress, the human rights situation in Iran was very disturbing, particularly with regard to persons detained for political reasons.

77. The withdrawal of foreign forces from Afghanistan had not led to further efforts to find a negotiated political settlement of the conflict. The main victims were the enormous number of refugees who were unable to return home because of the continuing armed conflict and increasing acts of terrorism. Concrete steps must be taken to bring about a negotiated solution that would enable the Afghan people to exercise their right to self-determination and guarantee the effective enjoyment of their human rights.

78. Economic and Social Council resolution 1990/48 on the enlargement of the Commission on Human Rights and the further promotion of human rights and fundamental freedoms would make it easier to avoid the tendency to politicize human rights issues, which had had a negative impact on the Commission's work. Lastly, he stressed that progress in the settlement of conflicts must be accompanied by development and guarantees for social justice in order to ensure the exercise of all human rights.

79. Mrs. WARZAZI (Morocco) welcomed the final draft of the Convention on the Protection of the Rights of All Migrant Workers and their Families. The insecurity and exploitation of migrant workers prevented them from enjoying basic human rights, and despite some improvements, they still lived under difficult conditions, often compounded by racism. In Europe, migrant workers were subject to harassment and unprovoked aggression in countries where parties of the extreme right encouraged xenophobia and racism, and the European Parliament had called for an inquiry into racist and xenophobic measures taken by the local authorities of member States. The result was a report describing racism organized by the extreme right in 16 Western countries and its impact on persons of colour, Jews, AIDS victims and migrant workers. The report showed significant increases in racial incidents in Great Britain and increased membership in and influence of the Front national in France, where very recently some 30 masked parachutists in civilian clothes had gone on a racist rampage.

80. The draft Convention was therefore necessary to strengthen the effectiveness of regional international instruments and of the recommendations and measures adopted by the host countries and the countries of employment.

81. She understood the precautions taken by the European countries against illegal immigration, particularly since the current disastrous international economic situation and population explosion could be expected to increase the pressure of the third world on Europe, but given the plight of migrant workers in a climate of increasing nationalism and job competition, as well as racism and hatred, the international community must provide them and their families with maximum guarantees. The draft Convention was the product of much diligent effort and compromise, and a determination to protect human rights. The effort had produced a text that was imperfect but represented progress and should be commended.

82. The CHAIRMAN said that if he heard no objection he would take it that the Committee wished him to send a letter to the family of Ambassador Gonzalez de Leon to express its recognition and appreciation.

83. It was so decided.

84. Mr. MORA (Cuba), speaking in exercise of the right of reply, said that at a future meeting he would answer the comments expressed by the representative of Italy as well as the concern expressed by the representative of Czechoslovakia over Cuba's negative response to the Secretary-General in connection with the human rights situation in his country. In his view, some countries changed their principles with great facility and were all too ready to join in an anti-Cuban campaign. They had instituted political changes that led them to abandon causes they had previously defended.

The meeting rose at 6.20 p.m.

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
53rd meeting
held on
Tuesday, 27 November 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 53rd MEETING

Chairman: Mr. SOMAVIA (Chile)

CONTENTS

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/45/3, 179, 210, 348, 404, 444, 445, 446, 447, 448, 508, 542, 564, 578, 607, 630, A/45/649 and Corr.1 and A/45/649/Add.1, A/45/651, 664, 697, 698, A/45/174, 203, 207, 216, 227, 272, 280, 303, 329, 338, 381, 410, 667, 689, 690, 691, 692, 693; A/C.3/45/1)

1. U PE THEIN TIN (Myanmar) mentioned the references made by some delegations, in the Third Committee and in plenary meeting, to the democratization process and the human rights situation in his country. In that context, he referred to the statement made by the delegation of Myanmar at the 42nd meeting of the Committee, reporting on the methodical steps taken by his country to fulfil the aspirations of the people for democracy and a multi-party political system. He reaffirmed once again the assurances given on several occasions by the State Law and Order Restoration Council that it would transfer power in due course to a stable government formed in accordance with a new constitution and the rule of law.

2. His delegation stressed that collective human rights were equal in importance to individual rights, and that it had been in order to defend collective rights and avoid the disintegration of the Union of Myanmar and of national solidarity that the Council had taken over the reins of State power two years earlier.

3. As some representatives had referred to the restraints placed upon certain individuals in Myanmar, he wished to explain why and under what circumstances those measures had been taken. Under section 10 (b) of the 1975 law to safeguard the State against the dangers of subversion, certain individuals had been restricted to their residences, not because of their political views, but because despite repeated appeals, they had deliberately chosen the path of confrontation with the Government and incited the people to violence. Admittedly, restraint had also been placed on a former Prime Minister, but it should be noted that in August 1988, he had attempted to form a parallel government, and had refused to dismantle it despite repeated warnings given to him for more than a year.

4. Legal action had been taken against certain members of the executive committee of a political party because they had passed on to the embassies of three Western Powers copies of a strictly confidential letter concerning future elections which the Government had sent them in September 1990. As distorted versions of the communication had been broadcast shortly thereafter by certain foreign radio stations, the Government had been compelled to take legal action under the 1923 Official Secrets Act. In all cases, the actions taken had been the most lenient possible; much sterner punishment could have been imposed under Section 10 (b) of the 1975 law or under criminal law. In any event, the laws applied equally to all, and respect for human rights must be reconciled with the maintenance of public order. Individual rights must be in conformity with collective human rights.

5. Since one delegation had alleged that raids had been made on Buddhist monasteries, he noted that Myanmar, which was a multi-religious society, had

(U Pe Thein Tin, Myanmar)

consistently practised religious tolerance and freedom of worship. While the population was 89.5 per cent Buddhist, it also included Christians, Muslims and Hindus, who had lived in harmony for centuries. After the pattern of previous Governments, the current authorities continued to promote all religious faiths. Within the framework of its policy of purification, propagation and perpetuation of the Buddhist faith (Sasana), the Government had taken various measures, including the opening of new Buddhist missionary centres, the publication of Buddhist literature and large-scale renovation of Buddhist pagodas and temples, without prejudice to other faiths. At the same time, the Government could not allow the misuse of religion for political purposes or the disruption of the peace and tranquillity of the State.

6. His country upheld the principles embodied in the Charter of the United Nations and the Universal Declaration of Human Rights and abided by them scrupulously. It had co-operated closely with the Commission on Human Rights, its subsidiary bodies and the Centre for Human Rights at Geneva by providing information on the human rights situation in its territory, and undertook to continue to do so. The Government had agreed (and it had been the first in Asia to do so) to the appointment by the Chairman of the Commission on Human Rights of an independent expert, Mrs. Sadako Ogata, who had visited the country from 3 to 11 November 1990, and would submit her report to the forty-seventh session of the Commission on Human Rights.

7. Returning to the distinction between individual human rights, which included civil and political rights, and collective human rights, such as economic, social and cultural rights, the right of peoples to self-determination and the right to development, he noted that, as the interpretation of such rights might differ from one country to another, the best way to serve the cause of human rights was to respect others' opinions, to seek common ground and not to exploit human rights issues and electoral processes as a means of interfering in the internal affairs of States. The General Assembly had reaffirmed those principles the previous year in its resolution 44/147. Amid the general climate of change which had brought independence to the peoples of Asia, Africa and elsewhere by freeing them from colonial bondage, the State Law and Order Restoration Council had taken measures which had considerably advanced the transition to the new system: the one party political system had been abolished; the centrally planned economy had been replaced by a market economy; free and fair elections had been held. The Government was preparing the groundwork for a constitution acceptable to the entire people and the majority of the 135 national groups. At such a crucial juncture, it could not accept external interference or pressure designed to influence its future, which it placed solely in the hands of the people of Myanmar.

8. Mr. FORTIER (Canada) stressed Canada's interest in the promotion of human rights and the annual review of the situation world wide, as confirmed by the presence with him in the Committee of the head of the Canadian delegation to the Commission on Human Rights. For 40 years human rights instruments and mechanisms had been proliferating and, viewed from that perspective, developments in the past few decades were revolutionary. International instruments were essential because

(Mr. Fortier, Canada)

they were normative. Today all peoples were entitled to certain fundamental rights and all States might come under international scrutiny for the way they treated their own citizens and the citizens of other countries. That was why the instruments adopted by the United Nations must not only be ratified but above all, implemented and complied with. Nevertheless, some States pleaded reasons of State to justify their failure to honour their human rights commitments. Such behaviour was unacceptable, particularly when the other States acquiesced in it out of concern for national sovereignty or a misguided notion of regional solidarity.

9. His delegation regretted the fact that, because of the attitude of certain States, the United Nations had not always been able to examine the human rights situation in certain countries impartially.

10. His delegation was concerned for the proper functioning of the bodies established under international human rights instruments, and felt it essential to provide them with adequate financing; in the short term, that could be done by temporary funding from the regular budget. In the long term, however, other solutions must be found. A rapid response, when required could be achieved through the good offices of the Secretary-General or the Chairman of the Commission on Human Rights. In the medium term, recourse could be had to thematic mechanisms and to studies on a given region. In the longer term, efforts must be made to increase the capacity of States to protect and promote human rights, particularly the right to life, physical integrity, liberty and freedom from fear of reprisal and intimidation.

11. The thematic mechanisms highlighted the existence of gross violations in virtually all regions of the world and under various political and economic systems. So far Governments had reacted in a variety of ways to those mechanisms and the initiatives of country Rapporteurs. Some had been co-operative, others less so. Their co-operation was crucial, however. Without authorization, investigators could not really do their job. Of course co-operation was not enough: the State in question must also make a real effort to rectify abusive situations. The mandate of special rapporteurs should not be terminated just because the State concerned promised reforms.

12. The establishment of universal human rights standards had been an achievement of the United Nations, but the game was far from won.

13. For several years Canada had been denouncing in the Third Committee the systematic abuse by the Government of Iraq of the rights of its citizens. Iraq's invasion of Kuwait had done much to destroy the general optimism aroused by the recent triumph of democracy in various parts of the world. By its unprovoked attack on its neighbour, by committing daily atrocities, by the summary execution of Kuwaitis refusing to renounce their citizenship and join the Iraqi army and by preventing foreigners in its territory and in Kuwait from leaving and using them as human shields, Iraq was flouting the norms of international conduct. That attempted subjugation of a people and a region must be stopped.

(Mr. Fortier, Canada)

14. His delegation was pleased that Iran had agreed to receive the Special Rapporteur of the Commission on Human Rights at the beginning of the current year. While still concerned over the repeated violations of the fundamental right to life and the treatment of national or religious minorities in a manner contrary to existing international norms, his delegation hoped that Iran and its people would continue, without fear of individual reprisals, to co-operate with the Commission's representatives so that they would determine whether those allegations were well-founded.

15. Despite the encouraging information received in the past year about improved conditions of detention for members of minority communities in Syria, allegations of human rights violations, particularly with respect to the way the judicial process was conducted, were still being received. Canada hoped that Syria would take the necessary measures to show clearly its attachment to the International Covenants on Human Rights.

16. In the light of recent developments in Lebanon, his delegation hoped that the legitimate Government of President Hraoui would be able to establish its authority over all the territory and all the people of Lebanon in order that they might again enjoy their collective and individual rights without local or outside interference and exactions.

17. His delegation was deeply concerned about the continuing violations of the rights of the Palestinians by the Israeli authorities in the occupied territories. Many incidents during the past six months (long curfews, arbitrary detentions and use of live ammunition resulting in many casualties) proved that Israel was not complying with the provisions of the Fourth Geneva Convention. His Government viewed the frequent closing of schools and the long-standing ban on university education in the occupied territories as a form of collective punishment that deprived young Palestinians of their rightful future. The international community must induce Israel to apply the Convention in the occupied territories, including East Jerusalem, in order to prevent such events from recurring. Canada urged Israel to recognize that convention.

18. His delegation was also concerned by the large number of Palestinian "collaborators" killed by their compatriots. The cycle of violence between Israelis and Palestinians must be broken through respect for the Fourth Geneva Convention and the establishment of a just and lasting peace based upon Security Council resolutions 242 (1967) and 338 (1973), which recognized the right of the Palestinians to self-determination after peace negotiations.

19. Canada deplored the fact that UNRWA employees stationed in Lebanon and the occupied territories continued to be harassed, detained and threatened. Such unacceptable acts violated the security of the local and international employees, who showed much professionalism and dedication, often under trying circumstances.

20. Canada was alarmed by the unacceptable human righs violations in entire subregions, as in the Horn of Africa. Ongoing civil wars, famines and drought had

(Mr. Fortier, Canada)

resulted in an unprecedented denial of even the most basic rights. Canadians sincerely wished to see lasting peace established in Ethiopia, the Sudan and Somalia so as to permit the necessary reconciliation and reconstruction. Unfortunately, the negotiations that had seemed to be starting in 1989 had not materialized, and famine on an unprecedented scale now threatened.

21. In South Africa, the human rights situation had improved significantly, despite certain incidents, over the past nine months. Since President de Klerk's speech of 2 February 1990, restrictions and bannings of extra-parliamentary organizations had been lifted, Nelson Mandela and other political prisoners released, the Separate Amenities Act, one of the pillars of apartheid, repealed and the state of emergency lifted. Nevertheless, dubious arrests had continued and about 100 persons remained, in indefinite detention without trial under the wide powers available in the Internal Security Act. In addition, up to 3,000 political prisoners remained in prison and more than 70 of the 300 persons condemned to death had been sentenced for political offences. Reform of capital-punishment laws had been minor; the death penalty had been repealed for only one offence. The new automatic appeal and clemency procedure was welcome, however. It was also worrisome that there were allegations of involvement by elements of the security forces in political violence. In the Transvaal, for example, there had been over 800 deaths, as well as attacks on and killings of suspected government opponents. While the potential for major improvements in human rights had increased greatly in South Africa over the current year, the climate of repression lingered.

22. His Government expressed its concern over the situation in Rwanda, which had given rise to human rights violations. It was expected that the many persons arrested and detained without charge would be released soon.

23. In Haiti, the authorities had not yet acquired the instruments needed to ensure respect for law and order. Human rights violations and summary executions were still too numerous. The elections scheduled for 16 December 1990 were only a first step towards a real improvement in the situation.

24. The people and Government of Canada remained concerned by the human rights situation in Cuba. They welcomed the fact, however, that the Cuban Government had permitted the reunion of three Cuban families with their relatives in Canada and hoped for similar action on the last remaining case. Canada encouraged the Cuban Government to co-operate with the Secretary-General in application of Commission on Human Rights resolution 1990/48.

25. The human rights situation in Guatemala remained his country's primary preoccupation, in view of death squad activity, disappearances, kidnappings, torture and violence against street children. It was disturbing that the Government seemed unable to control the situation and prosecute violators. The nomination earlier that year of a new Procurator for human rights was welcome, however, and his delegation hoped that his investigations and prosecutions would be successful.

(Mr. Fortier, Canada)

26. In El Salvador, despite the desire for peace repeatedly manifested by the people, human rights violations continued on both sides of the civil conflict, particularly against social workers and union leaders. The investigation into the Jesuit murders of 1989 had not progressed. Inaction by the authorities in the face of human rights violations allowed the abusers to operate with impunity.

27. In Peru, human rights had been increasingly flouted, both by the military forces and terrorist factions. The situation had worsened with the downward spiral of economic and security conditions which had virtually paralysed the country. Canada had made known its concerns to the Peruvian authorities and was hopeful that the recently elected and inaugurated Government of Alberto Fujimori would be successful in its efforts to stabilize the economy, deal with insurgent terrorism and eliminate human rights abuses by the police and military forces.

28. In Sri Lanka, fighting continued between government forces and the Liberation Tigers of Tamil Eelam (LTTE) in the north and east. LTTE appeared to be driving the Muslims out of separatist-controlled areas, and the number of displaced persons was estimated at 1 million. In the south, the Government was continuing to arrest and detain suspected Janatha Vimukthi Peeramura (JVP) sympathizers: 16,000 persons might now be in detention. The human rights situation was such that donor countries had taken the unusual step of including specific references to human rights in their statements at the Development Assistance Consultative Group meeting chaired by the World Bank in Paris on 25 October 1990.

29. In Afghanistan, the Mujahidin had made concerted attacks against government-held cities and outposts. Two provincial capitals so far had been captured and Kabul had undergone rocket attacks. Those confrontations had produced civilian casualties, especially in the capital, where the population was concentrated.

30. His Government was deeply disturbed by the systematic human rights violations in Myanmar. Reports of torture and arbitrary arrest had not abated in the past year. Detention and arrest of the leadership of the majority parliamentary party and actions taken against Buddhist organizations involved in recent protests were in blatant disregard of the Universal Declaration of Human Rights. The interim Government's actions were in defiance of a clear expression of public will. Building of democratic institutions depended on the protection of human rights. His Government implored the State Law and Order Restoration Council to demonstrate its oft-stated interest in building democratic institutions and human rights protections.

31. His delegation welcomed the lifting of martial law in Beijing and Lhasa and the release of some 900 political detainees since January 1990. Yet many people remained under arrest. Canada would continue to criticize the human rights record of the Chinese Government when necessary, not with the intention of isolating it but to encourage that Government, through exposure to outside ideas, to return to the reform process begun 10 years earlier.

(Mr. Fortier, Canada)

32. In Yugoslavia, the political and economic reforms undertaken by the Government and the people were being compromised by a resurgence of rivalries among its many nationalities. His delegation feared that inter-ethnic violence, from which Yugoslavia had already suffered, might escalate into a bloodbath. He hoped that political and constitutional change would proceed peacefully and democratically, with full respect for minority rights, including the Albanian minority in Kosovo.

33. His Government remained concerned that the Government of Romania had not yet embodied its human rights commitments in legislation. Protection of the rights of ethnic minorities and full freedom of religion were not yet guaranteed in Romania. Participants in the peaceful demonstration of June 1990 were still in gaol without charge. The Romanian Government had made a real effort to overcome the difficult legacy of the past, but more needed to be done to ensure true political reform and human rights protections.

34. Albania, alone among the countries of Eastern Europe, had not yet taken significant steps towards a more open political system and protection of human rights. Indeed, the Albanian Government had apparently erected walls around foreign embassies, suggesting an attempt to put the clock back. Nevertheless, its desire to renew ties with other Governments in Europe and elsewhere, including Canada, was encouraging.

35. It was not enough, however, merely to criticize and condemn human rights abuses. It was necessary to examine the root causes of violations and take strong measures to combat them. The principle of the rule of law remained a dead letter until peoples had the will and the means to ensure that it was respected. That required Governments and responsible institutions, such as the judiciary, military, police and public service, to be accessible and accountable to the people. An effort must therefore be made to encourage the development of responsible governments. Despite the concerns it had expressed, his delegation was encouraged by developments in Central and Eastern Europe, Latin America, Asia and Africa, where positive action was bringing hope to peoples who were longing for freedom and justice.

36. In the past year, Central and Eastern Europe had lived through unprecedented changes. The movement to democratic, multi-party political systems and more open economies was now well advanced and in most cases appeared irreversible.

37. Poland had been in the forefront of political reform and the defence of human rights in the region. It had set the tone in June 1989 by holding parliamentary elections. Since then, the Government had continued on its path and free elections had been held nation wide at the regional level in May 1990. On 25 November, the people had elected a new President.

38. The fall of the Berlin Wall had been one of the year's great human rights events. It had been foreshadowed by the decision of the Hungarian Government not to close its frontiers to East German refugees.

(Mr. Fortier, Canada)

39. In Hungary, political reform had moved swiftly since the parliamentary elections of 8 April 1990. An active defender of human rights internationally, it was the first country of the region to join the Council of Europe.

40. In Czechoslovakia, a founder member of the human rights organization Charter 77 had become President. Free elections had been held in early June 1990 and a number of rights (freedom of assembly, speech and the press) had since been restored.

41. In November and December 1990, four of the six constituent republics of Yugoslavia were to hold elections that would be vital in the shift to a multi-party system and the protection of human rights. At the beginning of 1990, the two other republics - Slovenia and Croatia - had held their first-ever multi-party elections. Those republics were currently led by democratically elected governments.

42. In March and June 1990, Romania and Bulgaria had held parliamentary elections in their turn. Parliaments in both countries were working on a new constitution.

43. Algeria had announced legislative elections for the first half of 1991. Benin had acquired a transitional government that was preparing for the next legislative and presidential elections. The Congo had announced the establishment of a multi-party system. Two candidates had stood in the presidential elections in Côte d'Ivoire, and legislative elections involving various parties had taken place there on 25 November 1990. Gabon had held its first free legislative elections. Guinea was to hold a referendum on a basic law for the country. Togo had announced the holding of a constitutional referendum.

44. Zaire had announced the adoption of a full multi-party system. However, the events of Lubumbashi continued to tarnish the country's reputation and only an impartial international inquiry could have satisfied the legitimate concerns of those who wished to shed as much light as possible on those tragic events.

45. In a spirit of genuine reconciliation, Namibia was continuing to struggle for independence. Seeking to put an end to some dark chapters of its past, it was engaged in implementing its exemplary constitution, for example by retraining its police force, in which Canada was proud to be assisting. It firmly believed that the process of change in Namibia would have lasting benefits provided it was not unduly rushed.

46. Canada was heartened by Nepal's return to democracy and applauded the many measures it had taken to improve the human rights of its people.

47. It hoped that recent efforts to unblock the current deadlock in the Cambodian peace process would lead to a peaceful settlement of that 12-year-old conflict. Only peace in Cambodia could provide the basis for respect for human rights. At the current critical time, there must be concerted action to ensure that the systematic abuses perpetrated by the Khmer Rouge between 1975 and 1979 were never again repeated, anywhere in the world.

(Mr. Fortier, Canada)

48. His delegation recognized that respect for human rights was not a panacea for all problems, but it did give individuals within a group and groups within the societies that composed the international community an opportunity to participate in building a better world where human beings were an integral part of their societies' future. That was why every action and every developmental process designed to further human rights must be encouraged.

49. Mr. BROWNHILL (Australia) said that the remarkable transformation of international relations was so far only attitudinal, and it might be some time before it led to major improvements in the handling of human rights in the United Nations. His delegation believed that a critical juncture had been arrived at and that there was a responsibility upon all Member States to tilt the balance towards constructive co-operation rather than uncertainty and confrontation.

50. In its view, the short- to medium-term task of the United Nations policy-making organs in the field of human rights was: first, to develop consensus on non-confrontational means of genuinely promoting human rights, particularly through preventive measures; second, to give serious consideration to the concerns of all countries and regions while at the same time maintaining the coherence and rigour of the system as reflected in the existing instruments; third, to find ways in which the human rights system, and the United Nations in general could promote more democratic systems of government, demonstrably a key factor in protecting human rights. In that connection his delegation emphasized that no one country could hold itself up as a model; fourth, to give more effective consideration to specific situations of massive and grave violation of human rights while avoiding politicizing the problem. All those things should make it possible to improve mechanisms for protection by the end of the century. That revitalization should be one of the themes of the World Conference on Human Rights and the preparations for it, since it was only through the widest possible discussion that the necessary international support could be mobilized and the purposes of the United Nations Charter achieved.

51. Because of the universal nature of human rights, Australia could not accept the argument that legitimate concerns about grave and flagrant violations of such rights constituted intervention in the internal affairs of a country. That claim could not be sustained by selective or misleading quotation from the Charter in isolation from those fundamental purposes to which all Member States had pledged themselves. Expressions of concern over human rights abuses were directed towards governing authorities and were therefore entirely consistent with the normal principles of international relations by which Governments and international bodies communicated their views to each other. While his delegation firmly believed that the international community should seek more co-operative approaches to the promotion and protection of human rights world wide, it did not believe that it or other delegations should therefore mute their concerns over situations of serious abuse.

52. With regard to the situation of human rights in Iraq, for example, Australia had condemned, in the Third Committee and in the Commission on Human Rights, the

(Mr. Brownhill, Australia)

violations which the Iraqi Government had practised on its own citizens (mass executions, arbitrary detention, torture, forced relocation). After the invasion of Kuwait, which had laid bare to the world Iraq's contempt for international principles, the Australian delegation had deplored the abuses perpetrated on the citizens of Kuwait as well as the unjustifiable restrictions on the rights of the citizens of other countries, including their right to leave Iraq.

53. In Myanmar, it was clear that the military régime had no intention of handing over power to a democratically elected Government, despite the clearly expressed will of the Burmese people in the May 1990 election. The arrest of leaders of the party that had won the election was another development in a long list of human rights violations. Australia therefore called upon the military régime in Myanmar to enter into negotiations with the National League for Democracy on measures for transferring authority.

54. In his report (A/45/664), the Special Rapporteur charged with examining the human rights situation in Afghanistan had noted general improvement, particularly relating to the treatment of detained persons. He had also noted that the Afghan Government was fully co-operating with international organizations. The standard of human rights observance in Afghanistan was dependent on an end to the ongoing hostilities and on improvement of the military and political situation. It seemed, however, that a political solution was no closer than it had been in 1989. No level of hostilities could excuse abuses of human rights, and it was clear that such abuses were continuing; Australia therefore supported a continuation of the Special Rapporteur's work.

55. Australia welcomed the co-operation between Iran and the Special Representative of the Commission on Human Rights since the forty-fourth session of the General Assembly. In that regard, Australia did not consider that the mechanisms of the United Nations should be regarded as primarily condemnatory. In his interim report (A/45/697), the Special Representative noted that the level of co-operation extended by the Government of the Islamic Republic of Iran had improved, but that human rights violations occurred frequently in Iran. Australia was concerned by the large-scale use of the death penalty, by the prevailing climate of uncertainty and intolerance and by the need to guarantee effectively due process to detained persons. In the view of his delegation, therefore, Iranian authorities should maintain their co-operation with the Special Representative.

56. While the brutal violations of June 1990 had not been repeated in the same form in China, the Australian delegation believed that there had been no fundamental improvement in the human rights situation there. It remained concerned over high rates of detention for political reasons, summary executions, torture, absence of due process and restrictions on basic freedoms of expression. In addition, Australia considered that there were still indications of repressive behaviour in Tibet, and called on China to review its approach towards freedom of expression and association.

(Mr. Brownhill, Australia)

57. Australia was also deeply concerned by the cycle of violence in Sri Lanka, and felt that while the causes of the conflict were complex, they could not excuse human rights abuse. His Government was particularly concerned by the confiscation, in September 1990, by Sri Lankan security authorities at the Colombo Airport (in violation of the United Nations human rights mechanisms), of 533 affidavits of alleged disappearances that were to be brought to Geneva as testimony before the Working Group on Disappearances. Australia understood that some of the individuals named in the documents had been interrogated, and hoped that the incident would not result in reprisals.

58. With regard to the situation of human rights in El Salvador, the Australian Government did not doubt, any more than the Special Representative, the determination of President Cristiani to improve the human rights situation in his country. According to the report (A/45/630), the number of serious violations had decreased, but it appeared that the situation continued to be a matter for concern. The lack of progress in investigating past violations and in bringing to justice those responsible for them was further reason for the United Nations to maintain its scrutiny of the situation. A political solution to the long-standing conflict in El Salvador was the pre-condition for substantial improvement in the human rights situation, and he appealed to all sides to accept a dialogue.

59. There had been much discussion in the Committee of the importance of democratic elections. While his delegation agreed that the expression of the popular will through elections was a fundamental human right, it noted that holding elections would not necessarily resolve the elements of social conflict which could give rise to situations in which individuals and groups were no longer secure in their enjoyment of basic rights such as the right to life. Reports of the situation in Guatemala had indicated an increase over several years in human rights abuses, and had led many to question the capacity of the Government to control some groups. It remained to be seen whether the recent presidential elections would change that alarming situation, which the United Nations should keep under review.

60. His delegation reaffirmed its support for the Working Group on Disappearances, the Special Rapporteurs on torture and religious intolerance, and for all mechanisms concerned with specific aspects of human rights. Those mechanisms should be strengthened and their activities followed up so that they could play their part more effectively.

61. Mrs. REGAZZOLI (Argentina) said that the Government of Argentina was committed to abiding and total respect for her country's obligations in the promotion of and respect for human rights and fundamental freedoms, and had adopted policies for translating that commitment into deeds. At the international level, it intended to continue playing an active role in all the human rights forums. At the domestic level, it was concerned not only with the so-called first-generation human rights - economic, social and cultural - but also with the second-generation rights - civil and political - as well as the third-generation, such as the right to development and the right to peace and security. However, its efforts had suffered from the serious economic and social problems of all the Latin American countries which were

(Mrs. Regazzoli, Argentina)

due partly to internal factors but mainly to the hectic technical advances of recent years which had often been against the general interest, to the injustice of the current international economic system and to the external debt which hampered the developing countries' growth and undermined the people's right to food, housing, work, health, education and human dignity.

62. Argentina was following very closely and with keen interest the work of the United Nations on the right to development which was the subject of General Assembly resolution 41/128. For Argentina, that right was the embodiment of all existing rights - which were indivisible and interdependent - and of a multidimensional development which extended beyond economics into political, social, cultural and spiritual issues. The right to development also had an individual and collective dimension, in so far as it was aimed at consistently and progressively improving the well-being of man both as an individual and as a member of a given social group, whether it was called nation, minority or any other name.

63. Despite all the efforts of the United Nations, the right to development remained utopian because its component rights had not been realized. Consequently, the international community in general and the great Powers in particular had an obligation of international co-operation and solidarity with the third-world countries which were prisoners of their external debt, otherwise the gulf separating the rich countries from the poor might grow dangerously wider.

64. Mr. LUNA (Peru) said that the recent depoliticization of international relations had at last enabled the United Nations to tackle major world problems in an effective and co-ordinated way and to stop subordinating human rights issues to ideological considerations. The Organization must decide how those rights should be viewed in the current climate of international entente. Peru believed that an appeal for wide participation by all Member States would establish the Organization's authority more firmly and also deliver it from certain temptations that might prejudice its work: in the first place it must first of all prevent ideological considerations from becoming an instrument of external pressure, from causing a breach between third world States and populations and from compromising the sovereign efforts of the democratically elected Governments of those countries to guarantee full enjoyment of human rights for their nationals. The United Nations should also avoid placing human rights above the rights of States, which could threaten the legitimacy of freely-elected Governments; and it should beware of paternalism which would be incompatible with the democratization of international relations. It was one thing for the international community to feel that it had an absolute duty to restore and promote human rights when they were being violated; it was quite another thing to use human rights in order to promote a given political régime and economic system, in defiance of the sovereign right of States to choose freely the political, social and cultural system they wished to establish, whether or not such a system met the criteria of other States.

65. In that connection Peru warned the Organization not to make the mistake of concentrating on individual as opposed to collective rights, as in the case of a certain type of democracy which denied the validity of other ideas of democracy

(Mr. Luna, Peru)

based on experience, history and the particular social and economic aspirations of different peoples. Democracy could be strengthened only if its different forms, as they appeared in different regions of the world, were accepted instead of seeking uniformity.

66. The Charter of Paris for a New Europe, adopted on 21 November 1990, would have an enormous impact on the international community's ideas about human rights in the future. The Charter defined the principles of future political co-operation in Europe, giving priority to respect for democracy and human rights. It was an expression of the common will of the European countries to find solutions for the problems that might be caused by inter-ethnic divisions, political disintegration and the disastrous economic plight of certain European countries, which implied that all human rights, political and economic, were indivisible and interdependent.

67. In the face of the violence of ruthless terrorist groups in Peru, the Government was determined to defend democracy and respect human rights. It therefore welcomed the adoption of Commission on Human Rights resolution 1990/75 on the consequences of acts of violence committed by irregular armed groups and drug traffickers for the enjoyment of human rights, which should enable a more detailed and impartial study to be made of the atrocities committed by the terrorists linked with drug traffickers in Peru. Their extortions by no means undermined the commitment to democracy of millions of Peruvians and their rejection of totalitarianism and blind violence, as could be seen from their massive turn-out in the recent elections for a new Government.

68. He rejected the spurious argument that social injustice caused by structural factors justified the existence of terrorist groups. Economic and social inequalities would not be rectified by fanaticism; democracy was the only way to ensure peaceful co-existence among human beings. The Latin American countries facing such fanaticism, one of the handicaps of democracy, were entitled to the same sympathy as the countries of Eastern Europe which were just beginning to sample freedom.

69. All rights, whether civil, political and economic, social and cultural, or the right to development, were indivisible, because they all affected one aspect of the human being, and interdependent because it was only jointly and simultaneously that they could be achieved in full. Their realization depended on the adoption of national and international policies that were complementary, particularly in economic and financial matters. The current international economic order continued to jeopardize the developing countries' capacity to promote effective realization of the economic, social and cultural rights of their nationals. Peru was nevertheless determined to ensure the full enjoyment of human rights, as witness the statement by its new President, Mr. Alberto Fujimori, in his presidential address, on the establishment of a national commission under the responsibility of the President's office to ensure full respect for the human rights of the Peruvian people. In view of the importance that he attached to the right to development, he had at the same time adopted a programme of economic reorganization together with an emergency social aid plan for Peru's most disadvantaged groups. To guarantee

(Mr. Luna, Peru)

respect for and the survival of democracy as a political régime, Peru needed both the support of its people and co-operation from the international community which must help it by supplementing its own efforts to ensure full enjoyment of human rights in its territory.

70. Mr. BURCUOGLU (Turkey) said that his country, about 2 million of whose nationals were migrant workers living with their families in various countries throughout the world, had always attached the utmost importance to respect for the rights of those workers and to solving the problems they encountered. Turkey thus supported the draft international convention on the protection of the rights of all migrant workers and members of their families, that was currently before the Third Committee. With that instrument, the Committee would give the international community a new human rights convention awaited by millions of human beings, which would fill a gap in the law in that field. His delegation greatly hoped that the draft convention would be adopted by consensus and that the convention would enter into force at an early date.

71. With regard to article 72 of the draft convention, relating to financing of the Committee, his delegation supported draft decision A/C.3/45/L.62 submitted by Finland and Mexico.

72. In that context, his delegation reminded the Committee that Turkey, working in collaboration with Yugoslavia and Poland, had ensured that the protection and promotion of the rights of migrant workers were taken into account in the human dimension of the process of the Conference on Security and Co-operation in Europe (CSCE) held in Copenhagen from 5 to 29 June 1990.

73. Mr. GARRETON (Chile) said that since 1948, the date of the adoption of the Universal Declaration of Human Rights by the United Nations, huge strides had been made in the field of human rights, with the adoption of a number of international instruments; the establishment of new rights which had not appeared in, or had scarcely been referred to in, the Declaration, such as economic, social and cultural rights and the recognition of the right of peoples to self-determination based on the view that individuals could flourish only within the group to which they belonged; the universal and growing realization of the importance of respect for human rights, a major testimony to the legitimacy of Governments; and, lastly, the immense improvement in the mechanisms for international monitoring of respect for human rights. In that regard, Chile noted the particularly important role played by the Special Rapporteurs of the Commission on Human Rights in Chile, and in Iran, El Salvador and Afghanistan, and by non-governmental organizations which, in many respects, had done more to promote human rights than had States themselves.

74. The task was, however, far from complete. For example, in the field of codification, over the past 20 years Latin American dictatorships had revealed the powerlessness of the law in the face of institutionalized recourse to enforced disappearances, a situation which had led to recognition of the need to draft a convention on the matter.

(Mr. Garreton, Chile)

75. With regard to recognition of new rights, efforts must be focused on the so-called third generation rights, such as the right to development and the right to peace and security, having regard to the work of the United Nations in particular, General Assembly resolutions 39/11 and 41/128. With regard to civil and political rights, the International Covenants on human rights suffered from omissions. While those Covenants had made it possible to achieve substantial progress in the sphere of criminal justice and the treatment of offenders, the same could not be said for measures in support of victims of crime and, in particular, of victims of extortion by public officials or by other persons at their instigation.

76. The right of peoples to self-determination was not simply the sum of the rights of each individual to participate in national political life. It was a collective right, which was at the basis of effective enjoyment of every individual human right. Every dictatorship that sought to impose its own political system based on considerations of class, race or national security, began by undermining that right, denial of which inevitably led to massive and systematic violations of all other human rights, as was the case with apartheid.

77. Much work still remained to be done in defining what might be called the right to democracy, the only system to recognize the intrinsic dignity of each human being on an equal footing with the other members of society, since that right was merely implied, rather than clearly set forth, in the 1966 International Covenants on Human Rights.

78. Moreover, universal recognition of human rights had been accompanied by serious violations of those rights. Education and information were needed, so as to make men and women aware of their dignity and their rights, and to ensure that Governments treated each individual with the respect to which he or she was entitled as a human being.

79. Mechanisms for international monitoring of respect for human rights must be further improved. Exercise of the right to international recourse by individuals who considered themselves victims of human rights violations, which was recognized by the European Convention for the Protection of Human Rights and Fundamental Freedoms, still complied, at the international level, with the rule of confidentiality, to which it owed much of its effectiveness.

80. The time had thus come to take advantage of the current relaxation in international tensions and of the opening up of the world to democracy to convene a world conference on human rights, with the task of examining all those questions with a view to preventing any return to the practices that were in the process of disappearing, and discouraging certain disturbing trends, such as the return of refugees, the resurgence of racism and intolerance, or of militarism in some Latin American countries.

81. Mr. RESHETOV (Union of Soviet Socialist Republics) welcomed the debates that the Third Committee had devoted to racism and racial discrimination, social

(Mr. Reshetov, USSR)

development, the status of women, crime, drug addiction, illicit trafficking in drugs, and humanitarian aid, which were evidence of the international community's will to make better use of the potential of the United Nations, which constituted a unique mechanism for securing agreement and concerted action among States.

82. Consideration of the human rights items had confirmed that the era of confrontation and ideological squabbles was over and that the international community had rejected totalitarianism and isolationism in favour of direct and candid dialogue on human rights, without which total confidence between States and a truly secure and harmonious world would not be possible.

83. Moreover, in 1990 States were devoting particular attention to human rights, a fact not unrelated to the general environment: with the world moving slowly but surely towards the humanist ideal of non-violence, it was mankind, not States or ideologies, that was the centre of concern. Democracy, freedom, human rights and human dignity were now the key concepts in the domestic and foreign policies of the majority of States.

84. It was no accident that human rights had become the driving force behind the whole Helsinki process; at the conference held in Copenhagen in June 1990 they had acquired a universal dimension. In Copenhagen, for the first time, States had agreed in a unique document, on the parameters of modern democracy, namely, freedom of choice, fair elections, the rule of law and political pluralism. Human rights also featured prominently in the Paris Charter for a New Europe, adopted at the conclusion of the CSCE summit in Paris in November 1990. The conference on human rights to be held in Moscow in 1991 should be an important step towards outlining new relations between States, based on universal values.

85. The development of effective co-operation on humanitarian issues presupposed not only universal recognition of and respect for international human rights standards - from the Universal Declaration of Human Rights to the 1989 Convention on the Rights of the Child - but also the strengthening of the effectiveness of existing monitoring mechanisms and of the United Nations bodies responsible for them, first and foremost the Centre for Human Rights. In that connection, it was regrettable that the Secretary-General had not yet submitted a report on the long-term and short-term strengthening of the Centre's resources.

86. It was becoming increasingly obvious that it was not enough that abuses should be identified and condemned; they must be prevented and eliminated. To that effect, extensive documentation and objective information must be made available on the human rights situation in each country and methods of preventive diplomacy acceptable to all must be worked out. It was essential to analyse all United Nations activities in the field of human rights from that standpoint, to co-ordinate them better and to eliminate duplication, in the work of the Special Rapporteurs, the bodies established pursuant to international instruments and the Commission on Human Rights. Furthermore, the independence of the experts who were members of those international bodies should be enhanced.

(Mr. Reshetov, USSR)

87. The humanization of international relations was, at least for the present, advanced by two major developments: the absolute affirmation of the rule of law, and the proliferation of independent media and associations for the defence of human rights. It had thus become practically impossible to conceal arbitrary action anywhere in the world and under any pretext. Sooner or later, the international community was called upon to judge.

88. Unfortunately, the principle of the universal character of international human rights standards was still in some instances labelled interference in the internal affairs of States. His country did not share that view. Each country had, of course, the sovereign right to take a position vis-à-vis the international human rights instruments and corresponding monitoring mechanisms. At the same time, each country could legitimately take a position in regard to another country which flouted individual freedoms. His country believed that international monitoring did not constitute interference in the internal affairs of States if it was free of bias, ideological connotations or ulterior political motives. On the contrary, the more States participated in the system of international monitoring, the more likely the international community's stated objectives were to be fulfilled.

89. The past year had witnessed substantial changes in the world, especially in eastern Europe. Many countries had adopted forms of government that were genuinely imbued with humanistic ideals and the aspirations of peoples to freedom and equality. The Soviet Union resolutely supported those changes. The road to freedom and democracy was not, however, an easy one and human rights were still widely flouted.

90. In the Persian Gulf region, the legitimate rights of a whole people had been brutally trampled underfoot. The aggressor had gone as far as to deprive that people of its name. Tens of thousands of nationals of other countries had been taken hostage. The arbitrary and violent acts perpetrated by the occupiers of Kuwait rightly aroused the indignation of the whole world.

91. The elimination of apartheid in South Africa continued to pose a problem to the international community. It was encouraging to witness a change for the better with the opening of a dialogue between the Government and the African National Congress (ANC), the abolition of the abhorrent laws upon which the apartheid system was based, the release of the first political prisoners and the lifting of the ban on anti-apartheid organizations. Those developments must become irreversible and the necessary conditions established for the building of a democratic, non-racial State.

92. Regrettably there was no prospect of improvement in another strife-torn part of the world, namely, the Middle East. Human rights violations were still commonplace in the occupied Arab territories. The situation had deteriorated still further following the tragic events in Jerusalem, which had given rise to a new wave of repression. The USSR believed that the parties to the conflict must more than ever demonstrate political wisdom and tolerance in order to find a solution based on respect for the inalienable rights of peoples, freedom of choice and the right to live in peace.

(Mr. Reshetov, USSR)

93. His country shared the concern of others about the repeated human rights violations in El Salvador and the lack of progress in Guatemala. There, too, there was a need for political dialogue and for strict implementation of the agreements already concluded with a view to settling the problem of Central America. On the subject of the human rights situation in Afghanistan, the Soviet Government had actively collaborated with the Special Rapporteur of the Commission on Human Rights, Mr. Ermacora, as could be seen from his report (A/45/664), which was on the whole objective and balanced. The conclusions and recommendations contained in the report merited consideration. His delegation shared the view of the Special Rapporteur that the key to respect for human rights in Afghanistan lay in a political solution to the Afghan conflict.

94. One of the cornerstones of democracy was respect for the wishes of the people and the right to take part in the government of one's country. In that regard, his delegation attached particular importance to article 21 of the Universal Declaration of Human Rights and could not remain indifferent to a situation in which the results of fair elections were not respected despite the assurances given.

95. The transition to democratic government and the application of humanistic ideals implied tolerance towards those who thought differently. Democracy was incompatible with the persecution of political opponents, even if their opinions were thought by some to be outdated and not altogether democratic.

96. His delegation wished to see a constructive atmosphere established on a lasting basis in the Third Committee and in other United Nations bodies dealing with human rights. The antagonisms, suspicions and stereotypes of the former bloc policy must be cast aside once and for all. The discussions and the decisions to which they gave rise must be directed towards ensuring the more effective enjoyment by individuals of their rights and freedoms. That criterion must prevail over political considerations.

97. Mr. MAKKAWI (Lebanon) welcomed the fact that unproductive confrontations had given way to a spirit of conciliation and co-operation, since such important social issues as human rights had had to take second place during the years of ideological polemics and international paralysis; in certain cases, the ideological confrontation had indeed encouraged violation of those rights.

98. The occupation of one country by another led inevitably to widespread human rights abuses, and in the case of southern Lebanon, the situation was exacerbated by the fact that Israel, which had been occupying the country for 12 years, was seeking to avoid its obligations under the fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War, by recruiting, equipping and financing mercenaries (known as the "South Lebanon Army"), which had been given a free hand to terrorize the local civilian population. Since then, arbitrariness and violence had prevailed in occupied southern Lebanon, and the list of human rights violations was endless: detention without charge or trial; deportation (in defiance of the sovereignty of Lebanon and in violation of the International Bill of Human Rights, international law, and, in particular,

(Mr. Makkawi, Lebanon)

articles 47 and 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and Security Council resolution 636 (1989), Israel was deporting Palestinians to Lebanon); the kidnapping of civilians living outside the occupied zone: plundering - often accompanied by the bulldozing of buildings and confiscation of property (hundreds of families had been deported from the Chabaa region); and denial of the right to work and the right of children to education. The occupation forces or the mercenaries were also guilty of numerous violations: air raids against civilian targets; the indiscriminate bombing of villages, which was causing many civilian casualties; mistreatment; torture and killing of prisoners; and a ban on such humanitarian organizations as the International Committee of the Red Cross and Amnesty International entering the detention camps.

99. Although the Commission on Human Rights, in its resolution 1990/54, had condemned Israel's continuing violation of human rights in southern Lebanon, and although renewed respect for human rights and fundamental freedoms was evident in Eastern Europe and the rest of the world, it could be asked why the civilian population of occupied southern Lebanon was still deprived of its rights and how it could still be tolerated that Israel continued so blatantly to flout the basic standards of human behaviour, not to mention international law. The time had come for the United Nations and those Member States which could exert pressure on Israel to ensure that that country respected the will of the international community by immediately desisting from the violation of human rights in southern Lebanon and by fully implementing Security Council resolution 425 (1978).

100. Mr. SAMPOVAARA (Finland) said that in the past year a broader awareness of the importance of promoting and protecting human rights had emerged, thus paving the way for some new diplomatic and political action. At the same time, the gross violations of human rights committed during the invasion and occupation of Kuwait could not be ignored. His country took the opportunity once again to urge Iraq to withdraw from Kuwait and to respect the rights of its inhabitants and of the nationals of third countries. Iraq should release the hostages immediately and unconditionally.

101. Serious violations of human rights and fundamental freedoms continued to occur in less dramatic circumstances, sometimes without the knowledge of the international community: they took the form of torture, summary and arbitrary executions, kidnapping and detention for political reasons. The reports submitted by the special rapporteurs (A/45/630, A/45/664 and A/45/697) made distressing reading in that respect.

102. Finland was firmly committed to strengthening co-operation in the field of human rights. The General Assembly, in resolution 44/167, had requested the Commission on Human Rights to examine ways and means of making the Commission's work more effective. At the conclusion of its most recent session, the Commission had indicated that much remained to be done in that regard, and Finland welcomed the Commission's determination to carry on with its task.

(Mr. Sampovaara, Finland)

103. The Commission on Human Rights had developed a great number of procedures for dealing with allegations of human rights violations and to ensure respect for the freedom of the individual. His country wished to emphasize the importance of the special rapporteurs and the working groups which were concentrating either on the situation in a particular country or on a certain form of violation. Generally speaking, the special rapporteurs and the working groups had accomplished their tasks successfully, in spite of difficult conditions. Finland welcomed the assistance with which they had been provided by some Governments, and invited all the Governments concerned to strengthen that co-operation still further.

104. Finland attached particular importance to the programme of advisory services in the field of human rights, which could be useful to countries which had the political will, but not always the necessary resources, to strengthen their national human rights institutions. It was also convinced of the importance of the instruments relating to human rights. Nonetheless, over one third of the Member States had not ratified the International Covenants on Human Rights, or had not acceded to them. Primary responsibility for the implementation of the International Bill of Human Rights lay with national Governments.

105. On the one hand, all States should be able to become parties to the various human rights instruments. On the other hand, the procedures for ensuring compliance by Governments pledging formal adherence to those instruments must be strengthened. Unfortunately, it happened all too often that violations of human rights and fundamental freedoms occurred in countries which themselves were parties to the treaties.

106. Finland had read with special interest the report of the third meeting of chairpersons of human rights treaty bodies, held at Geneva in early October. In view of the usefulness of such meetings, his delegation strongly supported the recommendation that they should be institutionalized, so that they could be held every two years.

107. At that meeting, the attention of the chairpersons had once again been drawn to the excessive number of States parties whose reports were overdue, a problem which needed to be looked at seriously. The Governments concerned could avail themselves of the programme of advisory services.

108. The United Nations monitored and promoted the implementation of the various human rights instruments. States must, for their part, guarantee that the supervisory bodies established for that purpose functioned properly.

109. At its forty-fourth session, the General Assembly had requested the Secretary-General to seek the views of Governments, specialized agencies, non-governmental organizations and United Nations bodies concerned with human rights on the desirability of convening a world conference on human rights. For the purpose of dealing at the highest level with the crucial questions facing the United Nations in connection with the promotion and protection of human rights (resolution 44/156). The idea had received significant support, and his country

(Mr. Sampovaara, Finland)

believed that the General Assembly would take a decision, at its current session, to convene the conference in 1993 as proposed. There was strong reason to believe that such a conference would contribute to the effectiveness of the activities of the United Nations and Member States in the field of human rights. In that connection, Finland stressed the need to improve the enforcement of existing human rights standards, a topic which should be addressed as a matter of priority at the conference, and its conviction that concrete recommendations should be adopted with the aim of further improving the programmes for monitoring and encouraging respect for human rights and fundamental freedoms. The preparatory work for the conference should commence in the near future.

110. Where standard-setting in the field of human rights was concerned, the United Nations could claim significant accomplishments. The Convention on the Rights of the Child was a striking example of such progress. The fact that it recognized children as independent bearers of civil, political, economic and social rights was indicative of its importance, certain weak articles notwithstanding. His delegation had already noted with satisfaction that an unprecedented number of States had been prepared to sign the Convention.

111. In 1989, the General Assembly had also adopted the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (General Assembly resolution 44/128). While the right to life was the most fundamental of all human rights, it was not fully protected by the Covenant. His delegation wished to stress the inhumane nature of capital punishment and hoped that more and more States would become parties to the new Optional Protocol. His delegation also attached great significance to the draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/C.3/45/1), submitted for adoption at the forty-fifth session of the General Assembly. The Convention would be the first universal codification of norms regulating the status of the ever-growing number of migrant workers and members of their families. It would deal with new categories of migrants not covered by existing international norms and would provide a framework for eliminating clandestine migratory flows and illicit trafficking in undocumented migrant workers.

112. Finally, on the question of minorities, his delegation found the work done by the working group dealing with that issue interesting. The safeguarding and promotion of minority rights genuinely enriched nations and cultures. At the international level, the question was more topical than ever. His delegation hoped that the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities would pay greater attention to that issue.

113. Mr. MONTALVO (Ecuador) said that a look at the human rights situation in the world made it plain that the ideal, perfect world order so widely heralded was an illusion. Absolute respect for human dignity and worth and an equitable and just world society were far from being achieved. At the global level, so long as inequalities persisted between the big and the small, the rich and the poor, it was impossible for human rights to be respected at the level of the individual.

(Mr. Montalvo, Ecuador)

114. It was unacceptable that principles or value systems should be imposed in the name of material considerations or of a specific ideological and economic world view. Pluralism was and should remain an essential human right as nations coexisted. It was to that principle that his delegation wished to draw attention during the debate on human rights.

115. Even though it was not beyond reproach, Ecuador was proud of its achievements in defending the rights of the individual. The country's legislation and judicial system effectively protected the exercise of human rights, and the horrors of repression were unknown in Ecuadorian society. Although the country was experiencing a serious economic crisis, it was enjoying a social stability uncommon in the region.

116. Despite that situation and the fact that it had acceded to all international human rights instruments, Ecuador did not feel entitled to instruct any other country, much less pass judgement on practices without first correcting its own faults, however rare they might be. That did not mean that Ecuador did not care about man's struggle to have human rights recognized or that it did not condemn violators of those rights. Ecuador joined the world community in studying mankind's fate in general terms and, above all, in expressing its solidarity with all peoples whose rights were violated or who were struggling for recognition of their integrity and dignity.

117. It was in that spirit that Ecuador's participation in the work of the Third Committee must be understood. His delegation appealed to the sensitivity and intelligence of Governments, that they might view human rights not as an ideological crusade or a political tool but as the indispensable expression of justice and human solidarity.

118. His delegation also endorsed the draft International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families (A/C.3/45/1) because that instrument addressed a problem of vital importance to large segments of the population in less developed countries.

119. His delegation had already referred to the situation of indigenous populations. It endorsed the decision of the Economic and Social Council to recommend to the General Assembly that it should proclaim 1993 as an international year for the world's indigenous people (decision 1990/248) and the draft universal declaration of the rights of indigenous peoples (E/CN.4/Sub.2/1989/33). It saw there an opportunity to highlight the importance of those people, who were often disadvantaged, and make the international community aware of their exclusion from society as well as of their rights and claims.

120. The financial situation of the Centre for Human Rights must be looked into at once and the Centre must be provided with the resources it needed to develop. The activities set up under regional agreements deserved special mention. His delegation had taken note of the seminar held at Quito in May 1989. It also wished to express its interest in such sensitive issues as massive exoduses, the situation

(Mr. Montalvo, Ecuador)

of AIDS in the world, the protection of minorities and new forms of neo-fascism and racism.

121. Ecuador resolutely supported the convening of a world conference on human rights, scheduled for 1993, which would be extremely valuable. There was no doubt that such an event would help man assess and rethink his role in the area of human rights and, perhaps, rediscover his true reason for existence, which was to serve human beings and not Governments, systems or ideologies.

The meeting rose at 1.10 p.m.